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STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
SPECIAL WASTE AND MARKET DEVELOPMENT COMMITTEE
WORKSHOP

SONOMA COUNTY BOARD OF SUPERVISORS
CONFERENCE ROOM
575 ADMINISTRATION DRIVE
SANTA ROSA, CALIFORNIA

THURSDAY, SEPTEMBER 19, 2002

10:10 A.M.

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Certified Shorthand Reporter
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

A P P E A R A N C E S

COMMITTEE MEMBERS PRESENT:

STEVEN R. JONES, CHAIR

DAN EATON

MICHAEL PAPARIAN

BOARD MEMBERS PRESENT:

LINDA MOULTON-PATTERSON, CHAIR

SAL CANNELLA

PRESENT:

JULIE NAUMAN, Interim Chief Deputy Director

KATHRYN TOBIAS, Chief Legal Counsel

JEANNINE BAKULICH, Committee Secretary

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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1 P R O C E E D I N G S

2 --oOo--

3 COMMITTEE CHAIR JONES: Good morning, and
4 welcome to this special meeting of the Special Waste
5 Committee. We're going to be obviously talking about
6 some tires in Sonoma County.

7 First, I think we'll call the roll.

8 COMMITTEE SECRETARY BAKULICH: Cannella?

9 BOARD MEMBER CANNELLA: Here.

10 COMMITTEE SECRETARY BAKULICH: Eaton?

11 COMMITTEE MEMBER EATON: Here.

12 COMMITTEE SECRETARY BAKULICH: Medina?

13 (Not present.)

14 COMMITTEE SECRETARY BAKULICH: Moulton-
15 Patterson?

16 BOARD CHAIR MOULTON-PATTERSON: Here.

17 COMMITTEE SECRETARY BAKULICH: Paparian?

18 COMMITTEE MEMBER PAPARIAN: Aye.

19 COMMITTEE SECRETARY BAKULICH: Jones?

20 COMMITTEE CHAIR JONES: Here. Thank you.

21 Our chair, Linda Moulton-Patterson, normally
22 would be sitting right here. This is the Special Waste
23 Committee, and she'd asked that we keep it in the
24 Special Waste Committee, so I wanted to make sure you
25 all know who the chair of our Board is. We've all got

1 different committees that we chair.

2 Would everybody please turn off any cell phones
3 or pagers.

4 And there are speaker slips in the back of the
5 room if somebody other than -- I've got a list of five
6 property owners that are going to speak on the agenda so
7 they don't need to fill out speaker slips, but anybody
8 else that wants to speak, if you could fill out a
9 speaker form and give it to Ms. Bakulich, that would
10 work.

11 And it's critical that there's no food or drink
12 in the, allowed in the seats out there at the request of
13 the county, and we need to honor that. They've been
14 hospitable and allowed us to use these chambers to hold
15 this meeting.

16 There's restrooms and a cafeteria are out the
17 door and to the right, down the hall on the left. So if
18 anybody needs those that's where they're at.

19 We -- look at that, somebody forgot to turn it
20 off already.

21 We have a busy agenda. I'm going to ask if
22 there's, if the members have any ex-partes.

23 Madam Chair?

24 BOARD CHAIR MOULTON-PATTERSON: None.

25 COMMITTEE CHAIR JONES: Mr. Eaton.

1 COMMITTEE MEMBER EATON: No.

2 COMMITTEE CHAIR JONES: Mr. Paparian?

3 COMMITTEE MEMBER PAPARIAN: None.

4 COMMITTEE CHAIR JONES: Mr. Cannella.

5 BOARD MEMBER CANNELLA: None.

6 COMMITTEE CHAIR JONES: Nor do I have any.

7 We have received an awful lot of information
8 for quite a while on this item. And just so that
9 everybody knows, I think the chronological order of
10 events were documented pretty good by the conservation
11 district and we've received those. So members have
12 those and have read those so we don't, I don't think
13 need to spend a whole lot of time dwelling on those
14 types of issues.

15 We're going to try to hold to a pretty tight
16 agenda. We, this issue of these tire piles has been
17 something that both locally and at the state level we've
18 been dealing with for quite a while. And the whole idea
19 of this workshop is to hear from you folks as to what
20 the different issues are.

21 We're not going to come up with a solution
22 today, we're going to take this, your comments under
23 advisement, so that we can later direct staff.

24 So with that, does anybody have anything that
25 they would like to speak to?

1 All right. Martha or --

2 MS. GILDART: The video.

3 COMMITTEE CHAIR JONES: Okay.

4 (THEREUPON A VIDEO PRESENTATION WAS SHOWN.)

5 COMMITTEE CHAIR JONES: We're going to have
6 staff start this presentation. For those in the
7 audience that are wondering why we've got these aerial
8 shots, part of our five year plan for dealing with waste
9 tires, actually a little bit before that, we entered
10 into a contract with the California Highway Patrol to
11 start surveilling the entire state for tire piles.

12 We found 'em as close as a hundred feet to
13 schools that contained a couple of hundred thousand
14 tires, people were smart enough to build fences fourteen
15 feet high so nobody could ever see 'em from the street.

16 We've had some major finds of tire piles in the
17 state. We're going to continue that program until we
18 eradicate as many of those piles as we can find.

19 MR. POSNER: Good morning. My name is Stephen
20 Posner, I work in the Special Waste Division, Waste Tire
21 Management Branch.

22 And we'd like to start off this morning with a
23 Power Point presentation.

24 First off I'd like to talk about the California
25 Integrated Waste Management Board's authority to

1 regulate waste tires.

2 And in 1990 California legislature enacted
3 comprehensive requirements for the storage and disposal
4 of waste tires. The requirements for waste tire haulers
5 were added later in 1995.

6 And on the slide there you see the specific
7 sections that deal with waste tires. PRC stands for the
8 Public Resources Code, Division 30, Chapter 16, 17, and
9 19. For haulers it's PRC section 42950. For permits
10 it's PRC Section 42820. And for enforcement related
11 matters it's 42850.

12 Specifically concerning haulers, all businesses
13 must be registered with the Waste Management Board, and
14 you must use a waste tire manifest for every shipment of
15 tires that is transported throughout the state.

16 For the permitting program, our regulatory
17 threshold is five hundred tires. So any stockpiles of
18 five hundred or more tires require some authorization
19 from the Board, either a permit or an exemption or some
20 other authorization.

21 Concerning enforcement, legal action may be
22 taken against owners or operators of illegal tire piles,
23 including site remediation and penalties.

24 Specific to the Sonoma County legacy tire
25 sites, the Board since 1993 has investigated eight waste

1 tire sites in Sonoma County where waste tires were
2 placed in gullies and ravines for erosion control.

3 For your information, a legacy tire site is
4 defined and was defined in emergency regulations in '92
5 as a waste tire stockpile of more than 5,000 tires where
6 no tires are being added or taken away.

7 The first site is the Silacci waste tire site.
8 It is estimated that approximately 200,000 waste tires
9 are located at this site. This site was referred to the
10 Board by the Sonoma County Department of Environmental
11 Health.

12 The next site is the North American Universal
13 Portfolio site. This site is formerly known as the Hale
14 waste tire site, Hale being the previous owner of the
15 property. The site is estimated to have over 200,000
16 waste tires. This site was also referred to the Board
17 by the LEA.

18 The Flochinni waste tire site, approximately
19 20,000 waste tires are located at this site which was
20 referred to the Board by the LEA.

21 The Ahlgrim waste tire site is estimated to
22 have at least 20,000 tires. This site was referred to
23 the Board by the LEA.

24 The property owner, using a backhoe, buried the
25 tires on site sometime during 1996. The photograph that

1 you're seeing here is a photograph taken in 1998 in the
2 area where the tires were buried.

3 The Beebe family ranch site. This site was
4 referred to the Board from the CHP as part of the waste
5 tire aerial surveillance program. Estimates as high as
6 800,000 tires, it's believed that as many as 800,000
7 tires are at this site.

8 Sears Point Raceway, also referred from the CHP
9 as part of the aerial surveillance program. This site
10 may contain up to 100,000 tires divided among five or
11 more piles.

12 The Valley Ford site. This site is located
13 near the town of Valley Ford. It was also referred from
14 the CHP. It's estimated to have over 30,000 tires based
15 on the analysis of the aerial photographs.

16 Wilson Beebe tire site. This site was referred
17 to the Board from the LEA on November 1st, 2001. It's
18 estimated to have 40,000 tires as well as an unknown
19 number of buried tires.

20 I'd like to briefly talk about the history of
21 our enforcement activities at the sites. Of the eight
22 sites that we're aware of, the Board has inspected six
23 of them and documented violations of the waste tire
24 standards. We've issued letters of violations to five
25 of those sites, and we've issued cleanup and abatement

1 orders to three sites. We've also reviewed corrective
2 action plans for three of the eight sites.

3 This concludes the first part of our
4 presentation.

5 COMMITTEE CHAIR PAPARIAN: Thank you. Any
6 questions?

7 All right. Martha, is that it for --

8 MS. WILLD-WAGNER: Yes, that's it.

9 COMMITTEE CHAIR JONES: All right. We're going
10 to go now to the Southern Sonoma County Resource
11 Conservation District presentation.

12 MS. SWENT: I'm not sure, I had a Power Point
13 presentation that I'm not sure is up and running yet.
14 There seems to be some technical difficulties with the
15 equipment here.

16 While they're doing this maybe I should start.
17 And one of the speakers that we did --

18 COMMITTEE CHAIR JONES: You need to speak into
19 a microphone.

20 MS. SWENT: Oh, I'm sorry. How about if I use
21 this one while they're over there.

22 I'm Leandra Swent. I am with the Southern
23 Sonoma County Resource Conservation District, I am the
24 district manager.

25 One of the speakers that we had hoped to have

1 speak under the RCD time allotment, but due to the
2 shorter time, we would like to have Tim Laughlin who is
3 a professional, he's a vice president with
4 Prunuske-Chatham, they're a consulting engineer that
5 does restoration and does permitting. He's very
6 familiar with CEQA.

7 And because we know the U.S. Fish and Wildlife
8 Service is not here or the Army Corps, he would like to
9 speak to the issues of what's going to happen with
10 endangered species on these sites, and possible
11 permitting and CEQA and NEPA requirements that may occur
12 on some of the sites because of endangered species.

13 We'd like to have him speak then under the
14 agency's time since the Corps and U.S. Fish and Wildlife
15 Service are not going to be present today. His name is
16 Tim Laughlin.

17 COMMITTEE CHAIR JONES: Okay.

18 MS. SWENT: I guess I'll use the podium since I
19 think they have to use that area.

20 COMMITTEE CHAIR PAPARIAN: If we don't end up
21 with a Power Point, are you prepared to make your
22 presentation.

23 MS. SWENT: I can probably wing it.

24 BOARD MEMBER CANNELLA: Mr. Chairman, while
25 we're waiting, what agencies did you say were not going

1 to be here this morning?

2 MS. SWENT: U.S. Fish and Wildlife Service and
3 the Army Corps of Engineers.

4 BOARD MEMBER CANNELLA: And do you know the
5 reason they're not going to be attending this morning?

6 MS. SWENT: They didn't think it was important
7 enough for them to be here today.

8 BOARD MEMBER CANNELLA: So do they have a
9 public position on it that they've already expressed?

10 MS. SWENT: We have met with them in the
11 field. They do expect that some of the sites will
12 require U.S. Fish and Wildlife Service permitting and
13 Army Corps permitting, but at this point in time they
14 don't feel that it's necessary for them to be at this
15 particular type of meeting since the project has not
16 been defined.

17 BOARD MEMBER CANNELLA: So their position is as
18 a regulatory agency their comments were going to be
19 relative to issuing permits as opposed to whether it's a
20 good idea to clean it up or not clean it up?

21 MS. SWENT: Yeah, I think that's probably
22 correct.

23 BOARD MEMBER CANNELLA: Okay. Thank you.

24 MS. SWENT: Well, maybe I'll start with a
25 couple and hopefully they can jump in here. Because I

1 did want to --.

2 First of all, again, I am Leandra Swent, I'm
3 the district manager with the RCD. And I do want to
4 thank you all for coming here this morning and putting
5 together this committee meeting.

6 I think it's imperative that we move forward
7 with these projects however it is determined that we can
8 move forward.

9 I had a slide that tells you what our
10 presentation will cover -- we're up, yeah! Okay. So we
11 can move to the next slide, please. I guess I'm going
12 to have to have somebody do these for me.

13 This morning I want to talk briefly about what
14 the RCD involvement has been over the last few years;
15 some of the history that was not covered in your
16 presentation; some special criteria that the local
17 enforcement agent has proposed to the Integrated Waste
18 Management Board regarding these sites in the past; and
19 some preferred options and next steps, where the RCD
20 feels that we can go from here.

21 First of all, I do want to clarify the RCD and
22 who we are. There seems to be some misunderstanding.
23 We are not the old Soil Conservation Service or the
24 Natural Resources Conservation Service. We are a
25 special district created under the State of California

1 under the California Code. Our jurisdiction is in
2 Southern Sonoma only, and we have a whopping annual tax
3 base of \$29,000 a year.

4 We do have a memorandum of understanding with
5 the USDA Natural Resources Conservation Service, and we
6 share an office with those folks.

7 Next slide, please.

8 We do, I also want to clarify that we only
9 represent six landowners of the eight that have been
10 mentioned here so far today. I'll cover the names.

11 It's the Silacci site, Universal Portfolio, the
12 Flochinni Brothers, the Sears Point sites, the Beebe
13 family ranch, and the Ahlgrim sites. We're unfamiliar
14 with the Valley Ford site or the Wilson Beebe sites.
15 They're also not within our district boundaries.

16 And I do want to clarify that, as I understand
17 it, the Wilson Beebe site is not the same owner as the
18 Beebe family ranch and never has been.

19 Next slide, please.

20 We represent, the RCD represents these six
21 landowners mainly because they are within our
22 boundaries, and we do firmly believe that they placed
23 these tires in these ravines and gullies for erosion
24 control, and they placed them there in good faith at the
25 recommendation of other agencies.

1 They also, all the tires were placed as defined
2 as legacy waste tires. They have not been removed or
3 none have been added since they were originally placed
4 back between the 1940s and 1980s.

5 Also, it is the RCD mission statement to
6 support agriculture in Sonoma County, and try to
7 maintain agriculture as a viable resource in our
8 community.

9 Next slide, please.

10 I'm briefly going to talk about this. There
11 will be an engineer later to talk about the site
12 conditions.

13 I just want to reiterate, and you could see in
14 the video that was prepared that the, most of these
15 sites are in moderate to steep slopey areas. The soils
16 in this area are known to be highly erodible, and
17 they're all in or adjacent to the water courses.

18 Next slide, please.

19 There has been a history so far given of the
20 legacy tire sites -- I'm going to raise this up if I
21 can, one second. It's a little low for me.

22 I'm going to try not to cover what you've
23 already covered. But between the 1940s and the 1980s
24 tires were placed as a recommended practice for erosion
25 control. And a lot of the landowners used them in

1 agricultural areas to stop soil erosion and to stop
2 pollution of the river down below, the Petaluma River
3 which is currently listed, it's 303D listed as impaired
4 for sedimentation.

5 So these sites were placed, tires were placed
6 to stop the erosion and to save prime ag land for
7 agricultural users.

8 Again, this was all done before 1992 when it
9 became illegal to stockpile more than five hundred tires
10 on private property without a permit.

11 In 1994 to 1997 the landowners did remove
12 approximately 125,000 tires from both the Hale site and
13 the Silacci site.

14 After they started removing 'em they determined
15 that it was very costly, and it was environmentally very
16 degrading to these sites. The tires had to be removed
17 from, the areas are very difficult to access by vehicle,
18 and it's very difficult to get into the sites and remove
19 the tires.

20 Next slide, please.

21 This is a picture of the Silacci site that
22 you've seen before. That's a fire break around the site
23 that the landowner installs every year.

24 Next slide.

25 I'm going to briefly go over the history of

1 what's happened on the Silacci site. Back in the 1960s
2 there were numerous landslides for two years prior to
3 him placing the tires.

4 Don Silacci's father, Truman, placed the tires
5 after trying other sources of erosion control. It was a
6 recommended practice at that time. And once he did it,
7 other landowners looked to him, spoke with him, and
8 decided that it did work really well.

9 The tires were again placed in 1963. They're
10 still there, they're still functioning very well, and
11 there's been no erosion of the site around the areas
12 where the tires were installed.

13 In 1996 the Integrated Waste Management Board
14 did grant \$25,000 to Don Silacci and the RCD to do a
15 demonstration project that would include leaving the
16 tires in place and covering them appropriately to
17 maintain, to make sure that they stayed in place and to
18 alleviate the fire hazard.

19 In 1998 we were unable to obtain the matching
20 funds for this grant and the Integrated Waste Management
21 Board terminated the grant.

22 Next slide, please.

23 During this period of time the staff at the
24 Integrated Waste Management Board changed. In November
25 of 1998 the Integrated Waste Management Board required a

1 corrective action plan for Don Silacci, and all the
2 tires were required to be out by May 1st, 1999.

3 The RCD submitted plans at that time, and the
4 Integrated Waste Management Board requested that we use
5 Caltrans guidelines. We felt that they were unfeasible
6 as they required that all the tires would have to be
7 removed from the area where they were bundled and then
8 put back into the site.

9 We figured that once the tires had been pulled
10 out of the hole they should be removed from the site,
11 not put back in.

12 We did submit some changes to our plans and
13 they were still considered unacceptable.

14 In 1999 we sought a grant from the Regional
15 Water Quality Control Board to go forward with the
16 demonstration project. That was approved.

17 Next slide, please.

18 The Integrated Waste Management Board staff
19 again changed, and in May of 2000 cleanup and abatement
20 orders were sent out requiring that the tires be removed
21 within 60 days.

22 At that time the RCD requested an extension.
23 There were other cleanup abatement orders that went out
24 to other landowners, so we requested an extension for
25 all landowners concerned.

1 We did submit a timetable to the staff and
2 stated that we would submit a corrective action plan by
3 August 31st, 2000, which we did. We submitted that plan
4 on time.

5 They went to Dana Humphrey for review. He is
6 your consultant back in Maine. And we did not get any
7 response from the Integrated Waste Management Board
8 until November of 2001 when we received a copy of his
9 report that had been written the previous year.

10 At this point in time there are five landowners
11 involved who have been cited or given notices of cleanup
12 and abatement.

13 And we feel that a demonstration project is no
14 longer feasible, that we have to go forward with
15 projects on all sites, because now that they've been
16 cited they can't wait for a demonstration project to be
17 proven.

18 So at that point we started submitting, in
19 August, 2000, we submitted site plans and conceptual
20 plans for five of the sites.

21 Next slide, please.

22 Okay. This is the Universal Portfolio site.
23 Much of the history on this site is very similar, so I
24 won't go into too much of it. The only thing that I did
25 want to cover is that when Universal Portfolio purchased

1 the property in 1995, it was estimated that there were
2 only 70,000 tires on the site. They agreed to remove
3 'em. They had a verbal agreement with the county to
4 remove 5,000 tires per year, which they did, until they
5 realized that there were far more tires than 70,000.

6 They actually removed 115,000 at a cost of over
7 \$200,000, and at that point they ran out of money, and
8 they ran out of ways of actually removing the tires and
9 having them hauled off to facilities that were able to
10 take them.

11 In 1998 they did submit to you a separate
12 corrective action plan, and then in August of 2000 the
13 corrective action plan was included with the other
14 landowners from the RCD.

15 Next slide, please.

16 This is the Flochinni site. It's difficult to
17 see this right here, but the tires are in this area
18 right here. The reason it's difficult to see them from
19 this perspective is that the land, the hill behind it
20 has slid into these tires after they were placed there.
21 They were placed in a spillway that was eroding, and
22 they have stopped the hillside from continuing to slide
23 down into the, there's a waterway down below down in
24 that direction. So they had to stop the slide.

25 This site is very different from the other

1 ones. We believe that it's almost impossible to remove
2 any of the tires, if not just the top portion because
3 they are so, they've already been confined by the slides
4 that have happened on the property over the last few
5 years.

6 Okay. The next site is, can we go to the next
7 one? I'm sorry.

8 The next site is the Ahlgrim site. This site
9 is actually adjacent to Sears Point. And the only thing
10 I want to add to the staff report is that Russ Ahlgrim
11 did cover the tires in response to a request to
12 remediate some vector control issues on the site.

13 And then he did begin working with us in 1998,
14 and he's one of the sites that we included in our
15 corrective action plan that we submitted to you in
16 August of 2000.

17 Okay, the next slide, please.

18 This is the Beebe family ranch. We have a
19 couple of different pictures of this one.

20 The next one, please, Mike.

21 And then the next slide.

22 These tires were installed in the 1970s by the
23 current landowner's mother, and they were to do for
24 erosion control.

25 In 1997 the landowner began working with us.

1 In May of 2000 she received her first request to remove
2 all the tires, and she has been working with us, she's
3 one of the sites that we have included in our August
4 submittal to you.

5 Okay, the next one.

6 This is Sears Point. I do really want to
7 clarify that the site that you're looking at is not the
8 raceway site, it's an adjacent piece of property that
9 Sears Point purchased, I believe, in 1999. None of the
10 raceway activities happen on this parcel.

11 The previous landowner was a diaryman who
12 placed tires in ravines and gullies such as these, it's
13 a highly erodible area. And there are approximately
14 fifteen sites, I believe your report said eight sites.
15 We believe there to be fifteen sites, fairly small, that
16 are in landslides and headcuts throughout the parcel.

17 The biggest problem with this one is that, as
18 you know, the red-legged frog exists on the property.
19 They did a mitigation plan in the year 2000 where at
20 least a hundred acres is put under a conservation
21 easement for migratory patterns for the red-legged frog
22 that moves throughout the property.

23 For them to do a correction action plan will be
24 exceedingly difficult. They will need U.S. Fish and
25 Wildlife Service permits and Corps permits, and there

1 will probably be a CEQA requirement on this, and NEPA.

2 Next slide, please.

3 Let's see, what else do I need to tell you?

4 They did receive a corrective action plan or a request
5 for corrective action -- I'm sorry -- a request from the
6 Board in 2000 to remove all the tires within 42 days.

7 And as you can see, because of the fact that
8 the red-legged frog exists, and because of the
9 conservation easements and all the other agencies
10 involved, they're completely unable to comply with this
11 requirement because of the other federal agencies who
12 are involved at this point in time and who would want to
13 have some input on the permitting and CEQA requirements.

14 Okay. I'm going to only briefly talk about
15 this. Bob Swift who is the local enforcement agent is
16 going to be talking about this more later on.

17 But the RCD and the LEA feels that it's very
18 important that these sites be considered separately from
19 illegal tire sites, as they have been called legacy
20 waste tire sites because these tires were installed
21 before 1992 when it became illegal.

22 They did, the landowners put them in in good
23 faith, and they were used to stop erosion control.
24 They -- or stop erosion, and also to stop pollution of
25 sedimentation to the nearby river.

1 I just briefly want to say that to date we've
2 spent probably \$1.3 million in costs for engineering,
3 consulting, removal of tires, and legal counsel and
4 meetings and landowner activities related to tire
5 cleanup.

6 And very briefly, I'm going to talk about what
7 the good faith effort of the landowners has been. I, I,
8 you had mentioned that the Integrated Waste Management
9 Board staff has been able to visit all of these sites.
10 They have always willingly given access to the Board and
11 all other agencies to see the sites.

12 They have, they did attempt to remove tires
13 until they realized how costly it was. They have sought
14 other funding through different agencies to try to help
15 remediate the problem, and they did seek a grant through
16 you, unfortunately they were not able to come up with
17 the matching funds to do that.

18 Let's see. I don't want to take too much more
19 of your time. If we can go on to the agencies and
20 organizations? That one.

21 I just briefly want to say that we've consulted
22 with all these agencies and organizations. They've all
23 seen the site, and they all have agreed that they
24 believe burial of the tires in place where needed is
25 acceptable. And we have letters to that effect, and I

1 think you've seen all of those letters.

2 Next slide, please.

3 And we have political support from
4 Assemblywoman Pat Wiggins, Senator Wes Chesbro, and John
5 Burton, their aides have all seen this site. They
6 believe that these sites should be cleaned up with an
7 undue burden to the landowners, and they believe that
8 the tires were placed in good faith.

9 And most importantly, the preferred option that
10 the integrated, that we, the RCD and the LEA and the
11 landowners would request of the Integrated Waste
12 Management Board is that you use funding from the waste
13 tire recycling management program and seek no cost
14 recovery to:

15 Number one, remove as many tires as possible,
16 at this point from the Silacci farm, the Universal
17 Portfolio, and the Beebe family ranch sites.

18 To, number two, remove tires, where feasible,
19 at Sears Point, and cover the remaining tires
20 appropriately.

21 And number three, leave tires in place at the
22 Flochinni sites and the Ahlgrim sites, and cover
23 appropriately.

24 Next slide, please.

25 The benefits of this preferred option will be

1 that it eliminates the threat of tire fire, and it will
2 also abate any mosquito issues.

3 Number two, it provides for a multi-agency
4 buy-in.

5 And number three, it provides for appropriate
6 allocation of funds from the waste tire recycling
7 management program as provided by SB 876.

8 Next slide.

9 Again, the CEQA and permitting, I've asked that
10 Tim Laughlin speak to this, so I'll just pass over this
11 right now.

12 And where do we go from here? We would like to
13 request that this committee go back to the Board and
14 take action before the end of the year on this issue.
15 We've been waiting for probably ten years to get this
16 issue resolved. We would:

17 Number one, like the Integrated Waste
18 Management Board to commit to spending \$250,000 to do
19 review, environmental review and consultation;

20 To study the biological and the botanical and
21 cultural resources on these sites;

22 And also to begin designs that can go forward
23 in the permitting process so that we can get a
24 multi-agency buy-in to these projects.

25 Number two, we would request that you set aside

1 one to \$1.5 million for any NEPA or CEQA documentation
2 that's required for these sites. We won't know that
3 until we do start down the permitting road.

4 Number three, we would request that you set
5 aside \$5 million for required remediation, and set that
6 aside in the five year plan.

7 And we would ask that you adopt special
8 criteria considering and distinguishing these sites from
9 other illegal waste tire sites within the State of
10 California.

11 And we would also ask that upon remediation
12 that you issue a final certification to each landowner
13 that they have complied with your request.

14 I believe that's all I have to say at this
15 point in time. Thank you very much for your time.

16 We do have a short video showing the sites from
17 the ground level rather than aerial, and if you would
18 like to see them we can do that now. It's a six minute
19 video.

20 COMMITTEE CHAIR JONES: I think we'll hold it,
21 I mean we saw it pretty good from up on top.

22 If anybody has any specific questions? We are
23 going to have a panel discussion at the end of this
24 where all these folks are going to be sitting there and
25 be able to, so if somebody has a question they want to

1 ask now.

2 COMMITTEE MEMBER PAPARIAN: Yes, I have a few
3 questions specific to the Resource Conservation
4 District.

5 You said that a couple of the landowners are
6 not part of your Resource Conservation District?

7 MS. SWENT: They're not within our district
8 boundaries. The Valley Ford site and the Wilson Beebe
9 ranch site.

10 COMMITTEE MEMBER PAPARIAN: Are they part of
11 another Resource Conservation District or are they just
12 out?

13 MS. SWENT: They probably fall under the Marin
14 County RCD, but I'm not sure. I'm not sure where the
15 sites are located.

16 COMMITTEE MEMBER PAPARIAN: And how many
17 landowners does your Resource Conservation District
18 represent about, approximately?

19 MS. SWENT: Boy, I don't know the number. We
20 represent the Petaluma area, Sonoma Valley, and all of
21 lower Sonoma County which is Stemple Creek area, and
22 it's a lot of agricultural land. There are not a lot of
23 ag land producers because they are large pieces, large
24 tracts of land.

25 COMMITTEE MEMBER PAPARIAN: Okay. But you have

1 quite a few members?

2 MS. SWENT: Oh, yes.

3 COMMITTEE MEMBER PAPARIAN: And then you're
4 run by a board or something?

5 MS. SWENT: Oh, yes. We are run by a board of
6 five. They are appointed by the Board of Supervisors of
7 Sonoma County.

8 COMMITTEE MEMBER PAPARIAN: Okay. Are any of
9 those five the properties that have been identified
10 here, owners of those properties, or are they?

11 MS. SWENT: Board members?

12 COMMITTEE MEMBER PAPARIAN: Yes.

13 MS. SWENT: No.

14 COMMITTEE MEMBER PAPARIAN: And then, are you
15 confident that the sites so far identified represent the
16 total number of sites known to the Resource Conservation
17 District to have tires that were used for either erosion
18 or any other purpose?

19 MS. SWENT: No.

20 COMMITTEE MEMBER PAPARIAN: Okay.

21 MS. SWENT: The six sites that I know of I have
22 seen and been to and know, and am confident that they
23 are being used for erosion control.

24 There are numerous other sites that I have not
25 seen, I've only heard about through hearsay. And I did

1 send a letter to Bob Fujii of your office, and I don't
2 know if that's been passed onto you, about the RCD's
3 memorandum of understanding that we have the Natural
4 Resources Conservation Service that states that we must
5 comply with their privacy laws and their confidentiality
6 law. And that states that we are unable to give out
7 landowner names.

8 Also, we're created under the California Code
9 as a liaison between the local landowners and the
10 federal government. We're a grassroots organization,
11 and our main focus is to support agriculture. And were
12 we to give names of any other people to you, we might as
13 well burn our shingle.

14 I've explained this to Steve Posner numerous
15 times because he's asked me for that information in the
16 past.

17 COMMITTEE MEMBER PAPARIAN: Well let's talk
18 about this for just a second.

19 MS. SWENT: Okay.

20 COMMITTEE MEMBER PAPARIAN: You were set up,
21 you said, under the state law, so the state Public
22 Records Act would apply to you presumably?

23 MS. SWENT: Yes, it does.

24 COMMITTEE MEMBER PAPARIAN: But you're saying
25 that the Federal Freedom of Information Act somehow

1 supercedes the Public Records Act?

2 MS. SWENT: It does in some respects. There is
3 one caveat in the Public Records Act that says if giving
4 out the information is detrimental to the public as a
5 whole, then the agency does not have to give out that
6 information.

7 And we feel, as the RCD, that were we to give
8 out any information about landowners, who we represent
9 and who trust us, that if we were to "whistleblow" on
10 them, quote unquote, we would have to burn our shingle
11 and go out of business.

12 Therefore, it is not in the public good for us
13 to turn over information about those sites.

14 COMMITTEE MEMBER PAPARIAN: Even to a sister
15 public agency?

16 MS. SWENT: Unfortunately, that's just how it
17 is.

18 We also, the memorandum of understanding that
19 there is -- let me find it.

20 There's the Farm Security Act of 2002 that just
21 came out in the most recent farm bill, and it states
22 that any associated agency like the RCD's, if they were
23 to give out any confidential information that's from the
24 NRCS files, we would be subject to a \$10,000 fine for
25 each breach of privacy, and that is for individual staff

1 people.

2 COMMITTEE MEMBER PAPARIAN: Now as I read the
3 bulletin that you sent to us, it says, "Information
4 provided by individuals to NRCS that participate in
5 conservation programs is not considered to be public
6 information." That's what you were referring to.

7 And the key here seems to be, "information
8 provided by individuals to NRCS." That would seem that
9 you might have information other than information
10 provided by individuals that would be beneficial to us
11 in looking at where additional tire sites might be.

12 But you're suggesting that even that additional
13 information is confidential in some way, is that --

14 MS. SWENT: Well, I have only heard about
15 potential sites by hearsay, so I have nothing specific
16 to be able to give you anyway, I don't have any specific
17 sites that I could give to you.

18 Anything that I may have heard about that's
19 specific would probably be through the NRCS staff and,
20 therefore, I would be in breach of their rules and
21 regulations if I gave you any information.

22 COMMITTEE MEMBER PAPARIAN: Even if you heard
23 it by hearsay? You're saying that hearsay is subject to
24 the restrictions, you can't tell a sister agency about
25 hearsay, where we have investigators, we have the

1 ability to work with the Highway Patrol, we have an
2 ability to go in and investigate these types of sites.

3 So you're telling me, what you're telling me is
4 you might know about some additional sites that would be
5 of interest to us in carrying out our duties.

6 MS. SWENT: Okay. What I'm also telling you is
7 from the RCD perspective, and from my perspective as a
8 district manager, and I think my landowners will
9 collaborate this when they come up later.

10 We have a relationship of trust with these
11 people that we have spent forty years building. If I
12 were to give you names of anybody, from whatever area, I
13 would look like a whistleblower in their eyes.

14 And it is imperative for the RCD to maintain a
15 level of trust so that we can work with these people and
16 get them to voluntarily comply with other agencies. And
17 that's what our goal is.

18 We want to be able to keep agriculture in
19 Sonoma County. The only way that we feel we can do that
20 is to retain trust with them so that they can come to us
21 in times of need and comply with other regulatory
22 agencies.

23 By giving you any information I should just
24 burn my shingle and go out of business.

25 COMMITTEE MEMBER PAPARIAN: Suppose you had a

1 landowner who was running a drug lab. Would you feel
2 obliged to turn that information over to an enforcement
3 agency or would that --

4 MS. SWENT: That's a completely different
5 situation. I mean I'm talking about what was a
6 recommended practice that we believe the Board has not
7 made a distinctive decision yet.

8 If landowners felt comfortable in knowing what
9 the repercussions of this action would be, they still
10 don't know what the repercussions are. If they felt
11 comfortable in knowing those repercussions, they might
12 come forward.

13 They have come forward to us saying that we
14 want to know what the repercussions are before we go
15 forward and voluntarily do a cleanup.

16 COMMITTEE MEMBER PAPARIAN: Do you think you
17 have any documents in your possession that you're
18 holding back?

19 MS. SWENT: No, I have no documents.

20 COMMITTEE MEMBER PAPARIAN: You have no
21 documents related to any of these sites, no paper of any
22 kind related to any of these sites or tires on any of
23 these sites? So it's all, it's all hearsay in your
24 head, you don't have anything in writing related to any
25 sites --

1 MS. SWENT: No.

2 COMMITTEE MEMBER PAPARIAN: -- anywhere? So --

3 MS. SWENT: I don't, personally I don't.

4 COMMITTEE MEMBER PAPARIAN: Does the Resource
5 Conservation District have any? You're a
6 representative.

7 MS. SWENT: We share our files with the NRCS,
8 and that's where the real issue comes in.

9 COMMITTEE MEMBER PAPARIAN: So do you think the
10 NRCS might have files related to these sites?

11 MS. SWENT: They may have, I have no idea.

12 COMMITTEE MEMBER PAPARIAN: Okay. This is,
13 this is disturbing in that we're charged with trying to
14 clean up sites, it appears that you know about sites
15 that we ought to be looking at from our expertise as the
16 Waste Board, yet you're not able to tell us.

17 I'm not quite sure what to do with this. And I
18 might have to actually, I don't know, maybe we need to
19 consult with our legal counsel about how we might
20 proceed in a situation like this.

21 MS. SWENT: Well I understand the dilemma, and
22 I hope you can understand that from the RCD perspective
23 we need to maintain this relationship that we have with
24 landowners.

25 If we cannot maintain that trust relationship,

1 which I feel this would be a breach of their trust, then
2 we're going to be out of business and we're not going to
3 be able to provide the service that we do to them, for
4 them at this point in time.

5 COMMITTEE MEMBER PAPARIAN: Yet you're a state
6 sanctioned agency?

7 MS. SWENT: Yes, and they pay us a whopping
8 \$29,000 a year for this sanction.

9 COMMITTEE MEMBER PAPARIAN: And do you have a
10 responsibility to the state and to the people of
11 California too, or no?

12 MS. SWENT: I guess we do, and I guess we
13 probably, I don't know that we can solve this issue
14 today, and I think we should probably move forward and
15 try to discuss this later on, because I don't know that
16 we're going to solve this. And it may be an issue that
17 you need to take before my board. I'm representing my
18 board at this point in time and what they've said to me
19 in the past.

20 COMMITTEE MEMBER PAPARIAN: Yeah, I think we'll
21 have to figure out how we want to proceed.

22 If you wind up finding any documents, I
23 strongly urge you not to destroy, lose, or otherwise get
24 rid of any documents you might have.

25 MS. SWENT: I can guarantee you that I would

1 not do that. We do not act that way. We are a
2 sanctioned agency, and we are very responsible and have
3 a lot of integrity.

4 And I think you can see that by the fact that
5 I'm standing up here telling you that I am not willing
6 to give up the trust of landowners that I have worked
7 with for forty years to achieve.

8 And that's why I am unable to give you this
9 information, or unwilling to give you any information.

10 COMMITTEE MEMBER PAPARIAN: I appreciate your
11 loyalty to the landowners, but on the other hand, we do
12 have tire piles out there, you're telling us there are
13 tire piles we don't know about that we ought to, we as
14 the Waste Board ought to be going out and taking a look
15 at and characterizing and seeing what needs to be done.

16 MS. SWENT: Well I think you've done a very
17 good job. You've hired the CHP, they've flown the
18 state, they've found a lot of sites that we didn't know
19 about. I don't know how much --

20 COMMITTEE MEMBER PAPARIAN: But it is very
21 costly for us to run those helicopters.

22 MS. SWENT: I'm sure.

23 COMMITTEE MEMBER PAPARIAN: And if you know
24 where the sites are, it would certainly, you know,
25 provide us a shortcut in doing things and save the state

1 quite a bit of resources that are very important at this
2 point in time.

3 MS. SWENT: Well I have to say, this is my
4 personal response to your request, and it would be up to
5 my board of directors to make any final decisions on
6 this. I am only staff so, again, I cannot make a final
7 decision on the request.

8 COMMITTEE MEMBER PAPARIAN: Okay. I can't
9 speak for the rest of my Board members on this, but I
10 think we may need to discuss this and discuss it with
11 our legal counsel.

12 COMMITTEE CHAIR JONES: We will. We'll take it
13 under, you know, we'll take it as some comments that
14 you've offered.

15 I do think it's interesting, though, that when
16 we talk about the fact that you're asking us for a
17 \$150,000 to do --

18 MS. SWENT: 200.

19 COMMITTEE CHAIR JONES: You're asking us for a
20 million and a half to do this, you're asking for five
21 million to do this. As this thing unfolds today, as
22 these presentations unfold, there are serious, serious
23 consequences that have been experienced through this
24 state with tire fires.

25 They pollute water and pollute air, and would

1 destroy the farm land that you're talking about.

2 So you know, that's fine. I think you do need
3 to do what you've got to do. We need to do what we have
4 to do, because there is a tremendous health risk here,
5 and if people don't see it then hopefully it will come
6 out in this hearing because clearly this is a serious
7 issue.

8 So we will, we'll come up with a plan to talk
9 about what we're going to do.

10 BOARD MEMBER CANNELLA: I've got a question
11 too.

12 COMMITTEE CHAIR JONES: Okay. Go ahead.

13 BOARD MEMBER CANNELLA: I think Mr. Eaton was
14 first.

15 COMMITTEE CHAIR JONES: Go ahead.

16 BOARD MEMBER CANNELLA: Okay. I have two
17 questions for you. Did I hear you say in your
18 presentation that there had been no tires brought on
19 site since 1980?

20 MS. SWENT: One of the tire sites I believe was
21 done, it was completed in the 1980s, early 1980s. But
22 none of the other sites, when the tires were installed
23 and completed, the installation was complete, there were
24 no more tires added.

25 BOARD MEMBER CANNELLA: So from 1980 to 2002

1 there's been no tires brought on site?

2 MS. SWENT: Right, that's correct.

3 BOARD MEMBER CANNELLA: Okay.

4 MS. SWENT: Except for Mr. John Silacci's
5 property, because there was a newspaper article people
6 have been dumping tires on his site. There was a map in
7 the newspaper that showed where his land was, and people
8 have actually been bringing tires and dumping them
9 there.

10 BOARD MEMBER CANNELLA: The second question I
11 have is if the official position of RDC is that you
12 favor remediation where feasible, that you support the
13 burying of tires where it's not environmentally able to
14 do removal, and that the last caveat is that there be no
15 cost to the property owners to do that?

16 MS. SWENT: Well I'm not saying there wouldn't
17 be any cost to the property owners. There will be
18 cleanup costs after the tires are removed, and I think
19 that the property owners are willing to take on some of
20 that cost.

21 The estimated \$5 million is a lot of money for
22 an agricultural producer, and it's out of their realm of
23 conscious, you might as well just take the deeds to
24 their ranches.

25 So, and also, they have spent approximately

1 \$1.37 million to date trying to alleviate this problem.

2 BOARD MEMBER CANNELLA: But we're all on the
3 same page about the sites need to be cleaned up?

4 MS. SWENT: Oh, yes. Absolutely.

5 BOARD MEMBER CANNELLA: Okay. Thank you.

6 COMMITTEE CHAIR JONES: Mr. Eaton.

7 COMMITTEE MEMBER EATON: Just a couple
8 informational. I don't know if you mentioned, but you
9 mentioned there was a waterway in the Flochinni slide.
10 What's the name of that waterway?

11 MS. SWENT: I don't think that it's named, I
12 think it's an unnamed tributary. But all of these sites
13 flow towards the Petaluma River which is listed 303,
14 impaired for sedimentation.

15 COMMITTEE MEMBER EATON: You also mentioned
16 that, early on that permission was given by the district
17 to the landowners for this activity of tires being
18 placed on their property for erosion control, is that
19 correct?

20 MS. SWENT: I never said that, no.

21 COMMITTEE MEMBER EATON: What did you -- then
22 how did they obtain approval by the district or what --

23 MS. SWENT: They never obtained any approval.
24 It was a recommended practice, agencies, haulers came to
25 these guys and said, you know, use tires for erosion

1 control and --

2 COMMITTEE MEMBER EATON: So it was haulers?

3 MS. SWENT: It was some haulers, it was some
4 other agencies. The Soil Conservation Service did give
5 technical advice when people asked if they could use
6 tires.

7 They were, the old Soil Conservation Service
8 and the RCD -- at that point the RCD had no staff, we've
9 only had staff for the last five years.

10 COMMITTEE MEMBER EATON: So as far as you know,
11 no official approval --

12 MS. SWENT: No.

13 COMMITTEE MEMBER EATON: -- was ever
14 obtained --

15 MS. SWENT: No.

16 COMMITTEE MEMBER EATON: -- for placement of
17 these?

18 MS. SWENT: There was no need for official
19 approval. At that point it was not illegal to put tires
20 on private property, that law did not come into effect
21 until 1992. So the landowners never thought they needed
22 approval from anybody, and they didn't think they were
23 doing anything illegal.

24 COMMITTEE MEMBER EATON: Would you agree with
25 me then that by the fact, I think you said there were

1 some fire breaks on the properties that they've been
2 doing?

3 MS. SWENT: Yes.

4 COMMITTEE MEMBER EATON: That that in and of
5 itself constituted a recognition that there's an
6 inherent threat to the public health and safety as a
7 result of the fire danger caused by these tires and,
8 more importantly, not only to the public health and
9 safety of the citizens of the State of California, but
10 the endangered species that reside, if there are
11 endangered species and I have no reason to doubt that
12 there aren't in the state, as a result of that
13 practice?

14 MS. SWENT: I didn't understand the question.
15 The endangered species I don't think are there as a
16 result of the practice.

17 COMMITTEE MEMBER EATON: No, you did
18 misunderstand me. I'm saying that as a result of those
19 landowners going out and doing fire breaks each year in
20 your presentation, that in and of itself is an inherent
21 recognition that there's a fire danger.

22 MS. SWENT: Absolutely.

23 COMMITTEE MEMBER EATON: Caused by the tires,
24 and that it's a threat, inherent threat to the public
25 health and safety --

1 MS. SWENT: Absolutely.

2 COMMITTEE MEMBER EATON: -- of the citizens and
3 perhaps also to the endangered species.

4 MS. SWENT: Oh, yes, I understand. Absolutely,
5 I agree with you. The landowners agree with you. They
6 would like to see this situation cleaned up as quickly
7 as possible, we all would.

8 The question has always been, where was the
9 money going to come from for these huge costs of
10 remediation, and what was the project going to look
11 like. And we have never received clear direction as to
12 what the project should look like.

13 Staff has always waffled because of the fact
14 that there are so many tires and that they are doing
15 erosion control. But once you pull them out, you have a
16 huge issue of how to solve the potential erosion that's
17 going to happen as soon as the tires leave the site.

18 COMMITTEE MEMBER EATON: It's understood.
19 Absolutely. Okay. Thank you.

20 MS. SWENT: Thank you.

21 COMMITTEE CHAIR JONES: Madam Chair.

22 BOARD CHAIR MOULTON-PATTERSON: Thank you. In
23 my visitation of the sites, it might have come up at
24 that time, there's been some of the sites it's the
25 original owner, right, they've owned it for years and

1 years and years?

2 MS. SWENT: Right.

3 BOARD CHAIR MOULTON-PATTERSON: And some others
4 have new ownership and changed hands?

5 MS. SWENT: Yes, uh-huh.

6 BOARD CHAIR MOULTON-PATTERSON: To your
7 knowledge has there been from, you know, way back in the
8 seventies, was there profit made by these tires where
9 people paid to take these tires?

10 MS. SWENT: I'm not sure who or what the number
11 is. There were some, the majority of them got the tires
12 for free. If they accepted the tires, the haulers
13 dumped them there and that was the end of the
14 transaction.

15 I understand that some of the previous
16 landowners may have received two to three cents a tire,
17 hardly enough to clean them up at this point in time.
18 But who those were, I don't know.

19 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
20 you.

21 COMMITTEE CHAIR PAPARIAN: All right. Now
22 we'll hear from --

23 MS. SWENT: Thank you.

24 COMMITTEE CHAIR JONES: We've got five property
25 owners. Don Silacci, Andrew Flochinni, Karen Beebe

1 Verbosi, Al Kornwell, and Rich Silacci.

2 Are you sure that's the order you guys gave 'em
3 to us? Go ahead, and you can get started.

4 MR. SILACCI: Good morning. I'm Don Silacci,
5 third generation dairy farmer which my dad, which
6 probably one of the instigators in the erosion control
7 problem using the tires.

8 My dad sat on the Soil Conservation Service for
9 37 years as a member of the board until his passing two
10 and a half years ago. That's where the idea of taking
11 the tires and put 'em in these erosion, serious erosion
12 problems that we've had on the ranch. He started
13 putting 'em in in the late fifties, and he put 'em in
14 until about '68 or '69.

15 They've served their purpose well. And if you
16 knew my dad you would know that he would not do anything
17 illegal. And he got the blessing of the Soil
18 Conservation Service at that time to do it, because he
19 tried to do it by pushing the dirt back and banking it
20 and putting straw and reseeding on it, and he put a lot
21 of time and effort into it, and it washed out again.
22 And he did it again and it washed out again. And he got
23 pretty disgusted and he went the tire route.

24 They've been there forty years now. There's
25 been a very minimal amount of erosion above the tire

1 sites that you could, you could hardly tell. A lot of
2 the tires have silted in, and there is a lot of tires
3 that could probably be taken out too if there was some
4 way we could solve this thing without losing the
5 business and the ranch.

6 So we've been there almost a hundred years,
7 I've got a son that's involved in the business, and we
8 would like to continue it without a real financial
9 burden.

10 Thank you.

11 COMMITTEE CHAIR PAPARIAN: Thank you.

12 COMMITTEE CHAIR JONES: We have a question.

13 BOARD MEMBER CANNELLA: And it's a question I'd
14 like all the property owners to answer, if they could,
15 when they address the Board.

16 We've all witnessed the fires in Westley and in
17 Tracy, and I'm not suggesting that would happen here,
18 and we certainly understand the concern of the property
19 owners to try and remediate the areas as best we can and
20 to spread the cost around.

21 My question to all the landowners are, what
22 steps have you taken to prevent a fire that could be
23 started with lightning or whatever? And what
24 contingency plans have you provided for a cleanup if and
25 when there is a fire? And how you would finance and

1 what you would expect other agencies to be responsible
2 for for cleaning up a site in the event that we have a
3 fire?

4 MR. SILACCI: We put fire breaks around these
5 tire piles for probably the last twelve years. I've
6 done it even before we got involved with the Integrated
7 Waste Board.

8 I'm a member of the local fire department, I
9 have a fire truck on the ranch. If those tires were to
10 catch on fire, in my belief the only way to put that
11 fire out was to get all the neighbors and their dozers
12 and their equipment and cover those tires over as quick
13 as possible.

14 As far as having any experience, being on the
15 fire department and trying to put out a truck tire when
16 it catches on fire, it takes forever and they just keep
17 relighting. And the only way you can put these tire
18 fires out is to get the oxygen out of the air and that
19 means covering 'em over with something.

20 BOARD MEMBER CANNELLA: But you do have a fire
21 truck on site?

22 MR. SILACCI: Yes.

23 BOARD MEMBER CANNELLA: Okay. Thank you.

24 COMMITTEE CHAIR JONES: I have one question.

25 Where you, when we saw the pictures, your fire break is,

1 it looks like it's a plowed area, you turn it, I don't
2 know if you use a dozer.

3 MR. SILACCI: I use a dozer.

4 COMMITTEE CHAIR JONES: So if you've got rains
5 that come in after you cut that fire break, the one
6 picture we saw had it on a slide slope, doesn't all that
7 material just run right into that water district because
8 you've got it, you've ripped it up?

9 MR. SILACCI: Well actually all I, I try to
10 just scrape the grass off, and I don't try to disturb
11 the ground anymore than I have to.

12 COMMITTEE CHAIR JONES: Okay. Cause it looked,
13 that picture that we saw that's what struck me is it
14 looked like it had been ripped.

15 MR. SILACCI: No. No, sir.

16 COMMITTEE CHAIR JONES: And it's going to take
17 it down, you know, we have the same problem at
18 landfills.

19 MR. SILACCI: I know exactly what you're
20 talking about.

21 COMMITTEE CHAIR JONES: Yeah. And it kind of,
22 dependent upon who's on that dozer and how good they are
23 it's going to create a bigger problem everytime they cut
24 a fire break.

25 MR. SILACCI: Yes, sir it's a catch-22. You

1 got to have one thing you're going to gain something,
2 but you've got to give something up at the same time.

3 COMMITTEE CHAIR JONES: Thank you.

4 MR. SILACCI: Thank you.

5 COMMITTEE CHAIR JONES: Andrew Flochinni.

6 MR. FLOCHINNI: Hello. My name is Andrew
7 Flochinni.

8 Our tire site is because the dam was built and
9 the water started eroding the spillway out, and it made
10 a deep ravine fifteen to twenty feet deep, almost like a
11 waterfall, it was eating its way back towards the dam.
12 And tires were used in those days for erosion control,
13 it was a common practice.

14 So we used those. And like during the heavy
15 rains the hill would slide, every so many years when we
16 had the heavy rains, and the tires helped the hill from
17 sliding into the ravine and washing away.

18 On the fire break, that was only put in maybe
19 three, four years ago when it was, we got notice from
20 the state or some agency that had to have a fire break
21 on our tire sites. And the tire, the fire breaks that
22 were seeded after we, before the rains that were seeded
23 after they were cut.

24 The tires work well. I mean it's, like I say,
25 it was recommended then and it helped save our, it's

1 adobe soil, almost all adobe, and it really helped the
2 land from washing away.

3 And that's probably about it. I mean we just
4 put 'em in for erosion control.

5 COMMITTEE CHAIR JONES: Any questions?

6 BOARD MEMBER CANNELLA: No, just the same
7 question. What kind of contingency plans do you have to
8 deal with a fire on site? And do you have insurance
9 that would help you with the cleanup of the site if they
10 caught on fire?

11 MR. FLOCHINNI: Well, we don't have too much
12 for that. Like I said, we put 'em in for erosion
13 control, that's what we know, you know, that's why we
14 use 'em.

15 There's a dam there full of water, I mean if
16 something caught on fire there's plenty of water there,
17 but otherwise I wouldn't know what, how to put 'em out
18 if they did catch fire. Just a fire break is all we
19 have there.

20 BOARD MEMBER CANNELLA: Okay.

21 COMMITTEE CHAIR JONES: Okay. The one area
22 that you showed or that was shown to us where there was
23 a slide that, that it wasn't clear, tires were in the
24 ravine, you had a failure above the tires it looks
25 like --

1 MR. FLOCHINNI: Yes.

2 COMMITTEE CHAIR JONES: -- and then that all
3 came down. Did it cover all those tires?

4 MR. FLOCHINNI: No, the tires are still exposed
5 on top, but they are compressed together on the hill.
6 The tires weren't placed until the hill started sliding
7 one year, fifteen years or so after we built the dam,
8 ten years it started sliding a little bit, and there was
9 a ravine being cut in there, so we put tires in to help
10 hold the hill and help the soil from eroding away.

11 And we just added one from the early seventies,
12 for a few years they were only added for a few years,
13 and that filled the ravine up and that was it. That's
14 all we needed to do the job.

15 COMMITTEE CHAIR JONES: Okay. So the picture
16 of the failure of that slope that came down into where
17 the tires are, was that right after the tires were
18 placed? It kind of sounded like that was in the last
19 couple of years.

20 MR. FLOCHINNI: It happened before the tires
21 were placed, that's why we placed the tires there
22 because of the ravine washing the deep gully --

23 COMMITTEE CHAIR JONES: I understand that part.

24 MR. FLOCHINNI: And the hill kind of slid into
25 the gully then.

1 COMMITTEE CHAIR JONES: Right.

2 MR. FLOCHINNI: So then we started putting in,
3 we put 'em in for both reasons, for sliding and cutting
4 in the ravine. It's all adobe. All the way down it's
5 adobe to the bottom.

6 COMMITTEE CHAIR JONES: Right. So the slide
7 that we saw, is that an old, old slide that --

8 MR. FLOCHINNI: It probably is because after
9 the tires were put in the hill quit sliding then, pretty
10 much quit.

11 COMMITTEE CHAIR JONES: Okay. So the tires
12 were above any dirt in the ravine, there's no, there's
13 not, other than maybe some runoff silt, there's no,
14 there's no big amount of material that's come down on
15 top of those tires?

16 MR. FLOCHINNI: Not on top. It's slid into the
17 side of the tires, like into the ravine. There's
18 nothing covering the tires, no dirt covering. The hill
19 was always above or equal with the tires, the height.
20 The whole side bank of the hill came down into the side
21 of the ravine in the tires.

22 You can see a lot of places compressed tires
23 from the hill sliding into it.

24 COMMITTEE CHAIR JONES: Okay.

25 MR. FLOCHINNI: So there's no dirt over the

1 tires or the hill, there is no dirt over the tires.

2 COMMITTEE CHAIR JONES: Okay. Thank you.

3 Mr. Eaton.

4 COMMITTEE MEMBER EATON: And just quick. You
5 mentioned that the Soil Conservation District
6 recommended that.

7 MR. FLOCHINNI: I'm not sure which agency.
8 Someone said we had to put a fire trail around it, that
9 was only three, four years ago. Before then we didn't
10 know what, you know, if they were safe, you know, we had
11 no idea if they safe or not.

12 COMMITTEE MEMBER EATON: Thank you.

13 COMMITTEE CHAIR JONES: Thank you. Okay.

14 MS. BEEBE: My name is Karen Beebe Verbosi. My
15 brother and sister and I own the ranch land southeast of
16 Petaluma that's known as the Beebe family ranch. My
17 family has owned this land in the Sonoma mountains for
18 almost fifty years since 1954, so we're actually
19 newcomers. That was when my father and mother bought
20 the ranch, and we moved our family dairy business from
21 Marin County.

22 I just want to point out that Wilson Beebe is
23 my uncle, he's never owned that land, he owns property
24 out west someplace. He may claim that he owns that
25 ranch, but we refer to him as our crazy Uncle Wilson, so

1 I can't make any statements about what he's going to
2 say.

3 COMMITTEE MEMBER EATON: We fully understand.

4 MS. BEEBE: We all have one of those. In the
5 seventies my father was concerned about soil erosion,
6 and he followed the prevailing wisdom and directions
7 provided by public agencies at the time, and my father
8 arranged to have spent tires dumped in the adobe gullies
9 in the southwest corner of our ranch.

10 So that, where you see that photo, that is the
11 southwest corner of our property.

12 This was many, many years before this became
13 illegal. After my father had a stroke my mother took
14 over the management of the ranch.

15 Again with agency guidance she determined that
16 enough tires were in place to handle the erosion
17 problem. I believe that the last tires were placed
18 about 1982.

19 Although there is no way to be certain about
20 the number of tires on our land, with the assistance of
21 several industry professionals who have inspected our
22 site over the years, we believe that the more realistic
23 estimate is there's about 450 to 500,000 tires on our
24 property rather than the estimate that's used in
25 attachment one of about 800,000. Again, none of us

1 know.

2 Last year my brother and sister and I tried to
3 sell the land where the tires are located, but the deal
4 fell apart because of the uncertainty surrounding our
5 legacy tire site. For years we have been in limbo about
6 what to do to take care of our land because of seemingly
7 conflicting mandates from various agencies.

8 We hope that the California Integrated Waste
9 Management Board will now use the funds provided by SB
10 876 and the waste tire recycling management program five
11 year plan to move forward to resolve this problem. We
12 believe that the Board has both the resources and the
13 authority to accomplish a solution that will satisfy the
14 various state and federal, county, regional agencies as
15 well as the landowners and the other concerned property,
16 parties.

17 Although we've worried that a too aggressive
18 solution might cause damage to our fields, disrupt water
19 flow and wildlife, and result in the return of soil
20 erosion problems, we believe that the agencies involved
21 will make sure that these issues are properly addressed
22 and not ignored.

23 We, along with the other owners of Sonoma
24 County legacy tire sites, urge the California Integrated
25 Waste Management Board to use its authority and

1 resources to facilitate moving forward to accomplish the
2 mandate of the five year plan for our sites.

3 We appreciate your efforts on this project and
4 we thank you for your consideration and time.

5 COMMITTEE CHAIR JONES: Thank you.

6 Mr. Cannella.

7 MS. BEEBE: Your question?

8 BOARD MEMBER CANNELLA: I think that's been
9 fairly answered. My question to you as a property
10 owner, you know, all of the things that's gone on, all
11 of the different agencies, all of the dialogue, all of
12 the meetings; in your own words, what would you like to
13 see done to remediate this thing?

14 MS. BEEBE: Well I personally think that most
15 of the tires are doing the job that they were placed
16 there for. And I, I think that the most prudent as far
17 as a combination of not having fire and not having
18 erosion would be to leave as many in place as possible.

19 I'm concerned about the fire, my brother is, he
20 can't sleep at night sometimes he's like, you know, he
21 just loves it when the first rain comes.

22 So I know that you guys, you don't want to see
23 a fire in Sonoma County. So if you add soil on top of
24 all those tires there wouldn't be fire, you know, they
25 can't burn if they're buried.

1 So, you know, maybe some of 'em need to be
2 removed, the rest of 'em be buried, I don't know. I
3 don't know, you know, how you're going to take your
4 mandate about what you need to do.

5 But I certainly would like to have it resolved
6 so that I could be comfortable as a property owner that
7 I can sell my land, you know. Right now I can't do
8 anything with it except worry about it, that's what I
9 can do.

10 And I've gone to meetings for, I inherited the
11 property from my mom, my brother and sister and I did,
12 and I've been working on it for ten years now. So I'd
13 like to get it resolved.

14 Any other questions?

15 COMMITTEE MEMBER PAPARIAN: Mr. Chairman, this
16 isn't quite a question for the witness.

17 But the issue of what to do in case any of
18 these sites catch on fire, the one that we were just
19 talking about is one of the larger sites that we're
20 talking about today. I assume the staff has worked with
21 the local fire agencies to make sure they have adequate
22 training to deal with this? But if not, it may be
23 something that we want to look at.

24 MS. BEEBE: They've come out and visited the
25 sites, the fire people, CDF and so on have come out and

1 visited the sites. They are the people that came out.
2 I know they toured my site, I was there when they were
3 there, and they walked around the site. They know that
4 there's a dam that's located right above my site, and
5 they're aware of it.

6 COMMITTEE MEMBER EATON: Okay. And actually
7 for our staff, there actually is some specialized ways
8 you deal with these things. And there have been a
9 couple of statements about, you know, if it catches on
10 fire possibly just quickly burying and smothering it or
11 burying them might prevent fires.

12 I wonder if there's any response from our staff
13 on those two things, and whether there's any additional
14 training that might be necessary?

15 MS. GILDART: Martha Gildart with the Special
16 Waste Division of the Waste Management Board.

17 There has been training provided by the State
18 Fire Marshal's office to fire departments, but we're not
19 aware of one that was specifically directed to the
20 Sonoma area.

21 There are materials that are made available to
22 fire departments on how to respond to a tire pile fire.
23 Once the tire pile is fully engaged and burning, putting
24 dirt over it will not necessarily smother it. You can
25 have underground fires that smolder for quite some time.

1 And in fact, the length of time that the
2 Royster tire pile burned is indicative of how much of an
3 air supply is carried down through the depth of the pile
4 by the shape of the tires.

5 It might prevent the tire pile fire from
6 spreading if you could tear it apart with bulldozers and
7 maybe put some dirt in between, but it won't necessarily
8 put out a fire that's already engaged.

9 As far as burying the tires beforehand, yes,
10 then it's far less likely that there would be any kind
11 of fire. But once again, when you have an existing pile
12 of tires and you put dirt over them, you do not get the
13 dirt down through the depth of the pile, it covers that
14 top layer. There's still an air supply in there. If
15 there were a hot enough fire with materials going down
16 through the surface you could once again get an
17 underground fire going.

18 MS. BEEBE: Do you have any -- excuse me, never
19 mind.

20 COMMITTEE CHAIR JONES: Go ahead.

21 MS. BEEBE: I don't think, and this may be just
22 like lore, but I have never heard of a rural tire site
23 catching on fire. All the sites that I have heard, and
24 I looked out for these things because I have tires, is
25 everytime I see a site catch fire it's a giant pile of

1 tires on the tarmac someplace.

2 So I think it would be worthwhile to know if ag
3 sites have actually caught on fire, because I think that
4 if one had we would know about it because it would be,
5 you know, it would be on CNN.

6 BOARD MEMBER CANNELLA: When lightning hits a
7 tire pile it doesn't care how big it is, it's going to
8 put you on fire.

9 MS. BEEBE: Yeah, I know, but all I'm saying is
10 I've never heard of an ag site ever catching on fire.

11 COMMITTEE CHAIR JONES: We actually have one.

12 MS. GILDART: The majority of tire fire piles
13 are started by arson. They are deliberately set either
14 at the pile itself or in its vicinity.

15 There was one in the Chittenden Pass which
16 would be qualified as an agricultural area. The one in
17 Fresno County was also a remote area.

18 It doesn't matter where the tires are as long
19 as people have access to it and they can set it on fire.

20 MS. BEEBE: Okay.

21 COMMITTEE MEMBER PAPARIAN: This is a, it's a
22 related and important issue that Mr. Cannella has
23 brought up with each of the witnesses, but I think that
24 given the concentration of sites in this area, both
25 known and unknown, it might be worthwhile to try to have

1 a special workshop on fire suppression for the local
2 fire officials so that the, if, you know, we hope this
3 would never happen, it would be a real tragedy if it
4 did.

5 If one of these tire piles were to catch on
6 fire before it was remediated, at least the response can
7 be adequate and based on the best knowledge that we have
8 about how to deal with these things.

9 MS. GILDART: I agree. I think we could
10 arrange that with the State Fire Marshal's office. They
11 are doing additional training for us around the state.
12 And I do have a personal reason too, my brother-in-law
13 is on a volunteer fire department in the area, so I
14 would like to make sure he knew what to do in the case
15 of fire.

16 MS. BEEBE: Two other things I wanted to
17 offer. Our site cannot be seen from the road. Nobody
18 driving up and down Adobe has any idea those tires are
19 there. So speaking to if someone was an arsonist, they
20 wouldn't go, "Oh, I can see 'em, let me go do
21 something."

22 The other thing is we have an electronic
23 security gate, and you cannot get access unless you have
24 permission. So it is very restrictive.

25 Thank you.

1 COMMITTEE CHAIR JONES: Yeah. The Royster tire
2 fire, just so everybody knows, which was one of our
3 biggest fires, actually started because somebody was out
4 weedeating or, you know, working to cut down weeds, and
5 as that fire started in the ag and caught into those
6 fires, that thing burned for two years. But it started
7 in an area like that.

8 So thank you.

9 Al Kornwell, please.

10 MR. KORNWELL: Good morning, my name is Al
11 Kornwell. I'm representing Sears Point, Infineon
12 Raceway.

13 We're civil engineers actually, and we've done
14 extensive work out there for the property, and as a part
15 of that work they've asked us to look at all of these
16 sites and work with the RCD towards resolution of the
17 potential covering of the tires.

18 We were a part of the group that put together
19 some sketches that were submitted in August of 2000 for
20 the response to the Integrated Waste Management Board.
21 And we've reviewed extensively the letter that Dana
22 Humphreys put together in response to that, and have
23 since come up with some technical modifications to those
24 which I can share with you if you're interested, but I
25 think we're, that's probably too premature at this

1 point.

2 There's a couple of issues that I'd like to
3 raise. We've talked about the nature of the soil in
4 Sonoma County, especially Southern Sonoma County as
5 being highly erodible and, which is the reason most of
6 these tires were put in place originally.

7 And we are faced with a unique soil type in
8 that fact because this soil does not want to stay in
9 place. That's historic, it goes back way before, you
10 know, there were ranches and anything else in this area.

11 The other thing that's been a real dilemma is
12 that the property owners in the group have been under
13 somewhat conflicting orders from the state.

14 There was a letter sent by the Regional Water
15 Quality Control Board in October of 1999 basically
16 mandating that the tires shall not be removed because of
17 the potential erosion that would result from removal of
18 those tires.

19 And as you've heard, there's obviously numerous
20 correspondence from your agency saying that they shall
21 be removed. One of the ones is dated May, 2000
22 requesting immediate removal.

23 So that as a group we're at a real dilemma on
24 what to do. We, if we remove the tires we've satisfied
25 your agency and we've violated another agency. And both

1 of these agencies are under the auspices of the
2 California Resource Agency, so it's, we need to solve
3 this dilemma.

4 Specifically with respect to leaving the tires
5 in place and covering, we believe that technically that
6 can be done, the surface can be restored so that it's,
7 we can control erosion on the top, the tires will be
8 safely buried underneath, you know, three to four feet
9 of dirt, and not pose a threat to catching fire.

10 Specifically with respect to Sears Point, we do
11 have fire equipment on site, including a truck. We have
12 had the Shellville Vista, I think it's called, Fire
13 Department out there reviewing the fire, reviewing the
14 sites. And we do put, of course, fire breaks every
15 year. So those things, those things have been, have
16 taken place.

17 I'd be glad to answer any questions. I think
18 in summary it's my opinion as a professional engineer
19 that these sites can be safely covered, and the tires
20 left in place to perform the erosion control that they
21 have for the last forty to fifty years, and safely cover
22 them in a way that they won't be a fire nuisance or a
23 potential fire nuisance to the public in general.

24 BOARD MEMBER CANNELLA: I have a question.

25 MR. KORNWELL: Sure.

1 BOARD MEMBER CANNELLA: Are you a long time
2 property owner?

3 MR. KORNWELL: I am not a property owner, I
4 represent --

5 BOARD MEMBER CANNELLA: You're an engineer?

6 MR. KORNWELL: Yes.

7 BOARD MEMBER CANNELLA: The question I have, I
8 certainly understand the issues and can sympathize with
9 the property owners.

10 My question is, erosion is a natural
11 phenomenon, it's been going on since the world was
12 formed. Things move around.

13 What I've seen on the pictures, a few of the
14 sites use erosion control to keep the earth, the dirt
15 from moving into waterways. But the majority of them
16 seem to be isolated areas.

17 What was the purpose of erosion control when
18 you have a piece of land out away from the urban areas
19 where the dirt was going to go into a gully and fill it
20 up, as opposed to migrating off the site?

21 MR. KORNWELL: Well I think the purpose for the
22 isolated tires that were put in isolated areas, I think
23 is what you're referring to?

24 BOARD MEMBER CANNELLA: From what I've been
25 able to --

1 MR KORNWELL: Okay. Those were areas that were
2 in existing gullies, you're correct.

3 BOARD MEMBER CANNELLA: Okay.

4 MR. KORNWELL: Which were caused by erosion,
5 which is certainly a natural phenomenon. But what was
6 happening with the advent of agriculture in Sonoma
7 County, those particular gullies were doing what's
8 called head cutting, is they were moving further and
9 further up the gully at a very fast rate. Which was not
10 allowing, it wasn't a slow rate where in the natural
11 process you might have some filling in of that gully and
12 the sediment would stay there. This was capping rapidly
13 enough that that sediment was going off-site.

14 BOARD MEMBER CANNELLA: So you couldn't dam up
15 the areas to keep it contained in an area as opposed to
16 filling it up with disposed tires?

17 MR. KORNWELL: Well I'm not saying you can't do
18 that. At the time that this was recognized and the
19 solutions came forth, that was a recommended solution.

20 BOARD MEMBER CANNELLA: Okay. But hindsight
21 being what it is, a better way of dealing with it would
22 have been to control the erosion or the migration
23 off-site by containing the erosion into those gullies
24 and not allowing it to move farther on down?

25 MR. KORNWELL: That's certainly a solution.

1 BOARD MEMBER CANNELLA: Yeah.

2 MR. KORNWELL: I mean putting dams up and
3 gullies have their own set of problems.

4 BOARD MEMBER CANNELLA: Okay.

5 MR. KORNWELL: And there's been plenty of
6 literature on that too.

7 BOARD MEMBER CANNELLA: Okay.

8 MR. KORNWELL: Any other questions?

9 COMMITTEE MEMBER EATON: It's not really to Mr.
10 Kornwell I don't believe yet, but do we have a copy of
11 the 1999 letter in our files? And if not, I don't know
12 if I can ask of you, but perhaps, I know also that the
13 Regional Water Quality Control Board is going to be here
14 as well, I believe, so we may be able to ask them.

15 MS. GILDART: It's in your packet.

16 COMMITTEE MEMBER EATON: Okay, great.

17 COMMITTEE CHAIR JONES: Yeah, any others?
18 Actually we're all under EPA.

19 MR. KORNWELL: Right, okay.

20 COMMITTEE CHAIR JONES: But it's not the first
21 time that a regional water board and another agency or
22 any agency in the state didn't have conflicting
23 mandates, that's why we're all separate. But we'll get
24 it figured out.

25 MR. KORNWELL: No, no, we understand that. But

1 you can understand from our perspective --

2 COMMITTEE CHAIR JONES: I understand, I
3 understand, been there.

4 COMMITTEE MEMBER EATON: You should feel very
5 fortunate that they had the time to write the letter.

6 MR. KORNWELL: Thank you.

7 COMMITTEE CHAIR JONES: All right. And then
8 our last property owner to speak, Richard Silacci.

9 MR. SILACCI: I'm Rich Silacci, I'm the fourth
10 generation dairy farmer on the Silacci ranch that you
11 heard about earlier today. I'm a graduate of Cal Poly
12 San Luis Obispo, and my wife and I currently own and
13 operate the dairy farm along with my parents on that
14 property where the Silacci tire site is.

15 I can't tell you a whole lot more than what you
16 already heard factually, I'd just like to take just a
17 second, somebody once told me if you have a moment to
18 talk about a decision that might influence the future of
19 you, you might want to say a few words.

20 So I would like to say we're, our dairy
21 facility is, since I've grown up in the environmental
22 age, is very environmentally friendly. We have a
23 pretty, very good management system with our dairy. And
24 it's kind of ironic that we're here dealing with these
25 tires, that I'm dealing with it two generations after

1 they were put there.

2 I would like to do lots of things with the
3 dairy to grow and expand and help our business get into
4 the future, however, because of the tire cloud financial
5 problem that's heading over our head here, my wife and I
6 have almost been handcuffed just waiting to see what
7 would happen.

8 So the only point I would like to bring out is
9 that we'd definitely like to see some kind of a
10 resolution come to this in the near future, and I think
11 everybody here does.

12 And the other point I would like to make, I've
13 been given the opportunity by my parents and
14 grandparents to grow up this way, and I was lucky enough
15 to be born into this business and be in the rural area,
16 I'd like to continue that with my children.

17 And so just on that last point, I think you've
18 heard this quite a bit, I definitely would not like to
19 see any kind of financial burden placed on the families,
20 the landowners, and the businesses that are there on
21 these properties.

22 So I hope what you've heard today from the
23 landowners, you take some of that into consideration. I
24 think all of them, everybody here is willing to pull
25 their weight and get some of these problems cleaned up.

1 Thank you for your time, that's all I have to
2 say.

3 COMMITTEE CHAIR JONES: Any questions? All
4 right. Thank you.

5 We're going to take a break right now after
6 hearing all of the landowners.

7 We're going to come back to the government
8 agency presentation.

9 (Thereupon there was a brief recess.)

10 COMMITTEE CHAIR JONES: Okay. Martha, the
11 letter that was referred to from the Water Board, we
12 don't have a copy of it.

13 MS. GILDART: It should be in your packet.

14 COMMITTEE CHAIR JONES: It isn't, maybe you can
15 make a copy for us.

16 MS. GILDART: You've all checked and it's not
17 in the packet?

18 COMMITTEE CHAIR JONES: It's okay, Martha.
19 It's okay.

20 MS. GILDART: Okay.

21 (Thereupon there was a discussion off the
22 record.)

23 COMMITTEE CHAIR JONES: We're going to
24 reconvene. This time is going to be, of our agenda is
25 going to be allocated to interested governmental

1 agencies.

2 We, the way we're going to do this is we're
3 going to hear from these agencies which include the
4 Regional Water Quality Control Board, the California
5 Department of Fish and Game, then there will be the
6 substitute speaker for U.S. Fish and Wildlife and the
7 Corps slot, and then the Sonoma County LEA, then the
8 Sonoma County Emergency Services, and then the Sonoma
9 County Mosquito and Vector Control District.

10 I'd like to ask each of those regulatory bodies
11 to try to get it done as quickly as possible. I would
12 like you to do a couple of things as part of your
13 presentation.

14 Make sure to identify what your area of concern
15 is.

16 Let us know if you have an official position as
17 an agency to this issue. If you don't, state that.

18 And then what you plan on contributing, whether
19 time, effort, money, or what your commitment is to any
20 kind of a solution, or if you've even thought about it.

21 When we get done with that, the Board is going
22 to resume its presentation. We're going to have panel
23 discussion afterwards which is going to include, we've
24 got seats reserved up front here for any of the people
25 that have testified to this point, which would include

1 all of these government agencies that are going to come
2 forward now. They'll be asked questions.

3 Sounds like an awful lot of the questions that
4 members have had we've been asking, so that panel
5 discussion should be pretty quick or could be quick.

6 The reason I say that is we're going to try to,
7 rather than break for lunch we're going to keep going
8 and see if we can't get this thing done.

9 So I'm going to ask if, do any members have any
10 ex-parte?

11 BOARD MEMBER CANNELLA: No.

12 COMMITTEE MEMBER PAPARIAN: I spoke with
13 Leandra Swent to follow up on the testimony that she
14 gave.

15 COMMITTEE CHAIR JONES: Okay. Thanks Mr.
16 Paparian.

17 Nobody else?

18 All right. We will now offer the podium to the
19 Regional Water Quality Control Board.

20 MS. MORRISON: Good morning. My name is
21 Elizabeth Morrison, I am the program manager for the
22 water quality certification unit at the Regional Water
23 Quality Control Board, San Francisco region.

24 I believe our project covers six of the sites.
25 I think two of the other sites are out of our region,

1 they're in region one which is the Santa Rosa office or
2 called the North Coast region.

3 The Regional Board is charged with protecting
4 waters in the state from pollution and the potential
5 discharge that threatens water quality standards, as
6 well as the beneficial uses of waters in the state.

7 In the past the Regional Board has supported
8 the use of tires as erosion control measures. We have
9 given grants to study the effectiveness of tires used as
10 stability measures.

11 The Regional Board supports leaving the tires
12 in place that were originally placed for soil erosion
13 control measures and that do not pose a fire or vector
14 hazard.

15 Our concerns regarding the removal of these
16 tires include potential increased erosion and
17 sedimentation into a watershed which is 303 listed as
18 impaired for excess sedimentation.

19 One of the points, the Sears Point Raceway
20 site, a large portion of that site, over a hundred
21 acres, is under a conservation easement as a mitigation
22 measure for an order that our Board issued back in 2000
23 as part of the expansion project.

24 The Sears Point Raceway site also contains
25 endangered species which everyone, Leandra has mentioned

1 already, the red-legged frog. And this will be
2 complicated because you'll have to coordinate with the
3 other resources agencies, as well as get a biological
4 opinion from the U.S. Fish and Wildlife Service
5 regarding any work within that site, even if the frog is
6 not in that waterway it's potential habitat and it has
7 to be addressed.

8 The removal of the tires at all the sites will
9 likely require a permit from our agency as well as the
10 other resources agencies.

11 Mitigation measures will have to be provided
12 for the impact, as well as coordination with the
13 resources agencies for endangered species. Mostly I
14 think it's the red-legged frog. There might be some
15 fishery issues, but it's mostly the red-legged frog.
16 But we don't know because a lot of biological
17 assessments haven't been done on some of these sites.

18 The CEQA document will need to be reviewed by
19 our Board if we have to issue a permit prior to us doing
20 that.

21 And one of the other problems is that we're
22 currently working on the TMDL, which is total maximum
23 daily load for sediment for this watershed.

24 When the, the TMDL will address the amount of
25 sediment that can be discharged into this watershed.

1 And when that number comes out, possibly it will make
2 permitting projects within this watershed more
3 difficult, especially related to sediment and the
4 potential for increased sedimentation into that
5 waterway.

6 Our staff remains committed to working with
7 your staff as well as the other resources agencies on
8 permitting and coming up with a solution for how we're
9 going to deal with the tires.

10 And there is, we can explore ways to find
11 potential funding through grants and different things
12 like that, but I'm sure you're aware, our agency is very
13 strapped for money right now fiscally.

14 Thank you.

15 COMMITTEE CHAIR JONES: Mr. Eaton.

16 COMMITTEE MEMBER EATON: Yes. You mentioned
17 that the Board supports the tires and did so. Did they
18 take a formal vote?

19 MS. MORRISON: No.

20 COMMITTEE MEMBER EATON: So this is just a
21 staff recommendation?

22 MS. MORRISON: It is just a staff
23 recommendation.

24 COMMITTEE MEMBER EATON: So the Board has not
25 taken any action yet?

1 MS. MORRISON: No, what we would do is we would
2 take an action on, if the applicant applied to remove
3 the tires we would then look at this action and take --

4 COMMITTEE MEMBER EATON: I think you
5 misunderstood me. You in your presentation mentioned
6 the fact that the Board supported the placement of tires
7 there.

8 MS. MORRISON: In the past it's a measure that
9 they've used, I don't know if they --

10 COMMITTEE MEMBER EATON: Right, but I just want
11 to try and get a record here because I think what we're
12 looking for, with Mr. Paparian and others, we're just
13 trying to find a history of paper, or some things with
14 permission, legal versus illegal tire piles. What was
15 there? What was the rationale there behind the
16 placement?

17 And I know you probably just were just
18 speaking, but I'm just trying to say was there a formal
19 action because you didn't use that, before the Board,
20 and I know we always talk with our staff about --

21 MS. MORRISON: Regional Board staff recommend
22 and the executive officer of our Board is aware that I'm
23 here speaking about this issue.

24 COMMITTEE MEMBER EATON: Right. Okay. So the
25 Board --

1 MS. MORRISON: Our Board did not vote and say
2 that the tires should stay there, no.

3 COMMITTEE MEMBER EATON: Thank you.

4 COMMITTEE CHAIR JONES: Any other?

5 Mr. Cannella.

6 BOARD MEMBER CANNELLA: I have a question. You
7 said that the position of your agency is to support
8 leaving the tires where they are where it's feasible,
9 and not to disturb it because it serves as an impediment
10 to polluting the water downstream.

11 Has your agency developed a plan on how to
12 deal, in the event there's a fire, with migrating
13 pollutants that would come off that fire, and then
14 introduce itself into the waste stream or to the water,
15 the byways there that would pollute all the way
16 downstream wherever it goes?

17 I mean this is the serious problem that we're
18 trying to deal with is that we hope nothing happens, but
19 your agency is responsible for the water in this area.
20 And there seems to be that, it seems to me anyway that
21 your agency ought to have some kind of a mitigation
22 plan, something in place that in the event it does catch
23 fire, the environmental damage that it would do, doesn't
24 seem to me at this point that your agency has addressed
25 that issue. If you have, I haven't seen it.

1 MS. MORRISON: No, we haven't. And what we're
2 supporting is tires that were placed for erosion control
3 measures and most likely are buried.

4 But if it's a large pile that when, and keep
5 the minimum tires that are needed for stabilization.

6 BOARD MEMBER CANNELLA: But we've also heard
7 earlier this morning that the tires that are buried
8 still have the potential of catching on fire, and still
9 burning, and still creating hazardous materials and
10 migrating off of that property, and it would get into
11 whatever water that is there.

12 And it seems to me that in addition to helping
13 all the other agencies coordinate a cleanup on there,
14 that your agency ought to be addressing the issue of,
15 the eventuality of a fire, and how you would deal with
16 it and how you prevent the migration from that site into
17 your responsibility.

18 MS. MORRISON: You know, at that point we, it's
19 a potential threat but, for water quality, but these
20 tires were placed in the seventies, and so we're looking
21 right now at the potential impact of what's going to
22 happen if you take those tires out. And right now --

23 BOARD MEMBER CANNELLA: So you don't believe
24 there's another alternative to just the tires? You
25 don't believe that there are other practices that would

1 allow for the removal of those tires and to put in place
2 something that would protect the water in that area?

3 MS. MORRISON: There are, there are other
4 measures, there's other ways to stabilize, but --

5 BOARD MEMBER CANNELLA: Okay.

6 MS. MORRISON: -- what we're saying is that if
7 a lot of these tires are in place and they're covered
8 and they're not -- that's why we're saying if it doesn't
9 pose a fire threat hazard, vector.

10 Now, if your agency demonstrates that, you
11 know, these are fire hazards even when they're buried,
12 then we would tell the applicants you need to come into
13 us and get, we're not saying they can't remove them,
14 what we're saying is if they remove them they need to
15 address our issues for the beneficial uses.

16 BOARD MEMBER CANNELLA: So, but what I heard
17 you to say at the beginning is you support the tires
18 being there for erosion control?

19 MS. MORRISON: Yes.

20 BOARD MEMBER CANNELLA: But what you're saying
21 now is that if there is a potential fire damage problem,
22 if there is other ways to improve the migration, that
23 your agency would also consider that?

24 MS. MORRISON: What we would, what we're saying
25 is we're not going to tell an applicant, we're not going

1 to go out and proactively say, "Remove the tires because
2 it's a potential fire hazard for a ground," we're not
3 doing that.

4 You know, and maybe it is -- but our staffing
5 is limited, and right now we're focusing on erosion
6 control and that is a problem, and sedimentation is
7 impacting the beneficial uses right now.

8 So we have to, we look at our beneficial uses
9 and it's impacting greatly the beneficial uses right
10 now, the sedimentation.

11 BOARD MEMBER CANNELLA: Again to me it seems
12 like a bit short-sighted when there's a potential impact
13 with sedimentation or hazardous material getting into
14 your area, and not having a plan to deal with that. It
15 seems to me that we ought to be working a little bit
16 closer together to identify the impacts and solutions
17 besides burying tires and leaving them there with a
18 potential fire hazard.

19 Thank you.

20 COMMITTEE CHAIR JONES: I have two quick
21 questions. Because I think what Mr. Cannella has really
22 hit on that is making me nervous about this whole thing
23 is that one of the tire fires that burnt for three years
24 didn't get put out because the pyrolitic oil that was
25 being generated would have gone right into the waterway.

1 That's why we couldn't aggressively attack that.

2 These are in waterways. And part of the
3 problem with the Westley tire site was while a lot of
4 the tires burned above the ground, they ignited
5 everything below the ground.

6 So that's what our, you know, what is a huge
7 issue that we need to be talking about.

8 And one other, and so I think Mr. Cannella is
9 right, you gotta be looking not only at the silt and
10 that problem, but if these do ignite, because clearly
11 when you look at the pictures there's an excess of tires
12 over and above what is erosion control.

13 MS. MORRISON: Yes, there is.

14 COMMITTEE CHAIR JONES: I mean I can't believe
15 anybody would say that's the proper amount of tires to
16 have for erosion control.

17 MS. MORRISON: No, I mean and that's why we
18 said that, you know, the minimum placed, and we do
19 believe a lot of these tires have to be removed.

20 COMMITTEE CHAIR JONES: Okay. And one of the
21 other options that have been talked about which I'm
22 having a really hard time understanding is covering them
23 with dirt and burying them in place, which is going to
24 create another issue of dirt and loose material. It's
25 going to be on top of those tires and it's going to end

1 up running right into the same silt basins that you're
2 worried about.

3 MS. MORRISON: Well there's methods that they
4 use to stabilize the tires, and as well as placing and
5 compacting and fertilizing and, I mean seeding. And to,
6 at certain times of the year to get the banks stabilized
7 beforehand.

8 COMMITTEE CHAIR JONES: Right.

9 MS. MORRISON: Some of these are already
10 buried.

11 COMMITTEE CHAIR JONES: Right.

12 MS. MORRISON: So it's like do we go out, and
13 some of these that are from the seventies at the Sears
14 Point site, if you can't find it, you know, are we going
15 to, I mean is it causing a problem? No. Is it a
16 potential for a fire hazard? I imagine so, you know.

17 But we believe the potential for impacts,
18 especially digging up those buried ones, is greater for
19 the sediment.

20 COMMITTEE CHAIR PAPARIAN: Okay. Thanks.

21 Any questions?

22 All right. Thank you very much.

23 Now we're going to hear from somebody from the
24 California Department of Fish and Game.

25 MR. COX: Good afternoon. My name is Bill Cox,

1 I'm a California Department of Fish and Game Fishery
2 Biologist for Sonoma and Marin County.

3 And I've been involved with these legacy tire
4 sites that you've been looking at here for the last, it
5 seems like ten years but I'm not sure that it's quite
6 that long, but several different sites visits with the
7 Resource Conservation District staff and others.

8 And I think as much as I might hate to admit
9 it, I'm probably in perfect agreement with the Regional
10 Water Quality Control Board on this.

11 From what I've seen of the sites, and there's
12 no official Department of Fish and Game position on
13 this, or Region III Department of Fish and Game position
14 on this.

15 But from what I've seen of the sites, leaving
16 some of the tires buried as erosion controls where
17 they're already buried may be the appropriate thing to
18 do.

19 I think, the way I've thought about this is
20 there's probably a point of diminishing returns in this
21 where to continue removing tires to try to get every
22 last one, at some point you reach the position where
23 you're causing more damage than you are preventing a
24 risk of future damage, and that would primarily be in
25 the realm of erosion.

1 From our perspective I think whatever is done
2 out there, there has to be a reservation. If tires are
3 left buried, they need to be left buried in a condition
4 where the ground is stable and not prone to erosion.

5 I think Mr. Jones mentioned just burying the
6 tires, you know, essentially putting dirt up above them.
7 I think that would be a totally inappropriate thing to
8 do.

9 They need to be left buried in an
10 engineeringly -- well that doesn't sound quite right --
11 in a solid, soundly based engineering manner, so that
12 they're not going to erode, they're not going to float
13 to the surface.

14 If they're removed, they need to be removed in
15 a way that is based on sound engineering and restoration
16 practices so that we're not leaving an environment that
17 is prone to erosion.

18 So whatever is done we need to look at the
19 total picture of solving the fire problem, the vector
20 breeding area problem, and the erosion problem, and
21 revegetation problem.

22 Some of the pictures you saw earlier showed
23 that the tires seemed to be growing up, or rather the
24 forest was growing up through the tires. The tires were
25 lost in the middle of a forest.

1 In order to remove those tires it seems like
2 there's a good possibility that you'd have to be going
3 in and removing the trees in the corridor where those
4 things are located. That would be very disruptive.

5 So what I would expect is that you would have
6 to go in, disrupt the environment. And that closing up
7 point where you've got the tires out of there that
8 you're going to take out, you'd have to be revegetating,
9 putting in erosion controls, and stabilizing those
10 areas. It has to be the total picture.

11 And I have this nagging fear that we may tend
12 to look at only one aspect of it, get the tires out. If
13 we just get the tires out, we could leave a significant
14 erosion problem which has fish and wildlife impact
15 issues.

16 From the permitting perspective, some of these
17 sites are clearly upland. They may be in erosion
18 gullies, but they're not in streams, that would not
19 require a Fish and Game permit to do the work.

20 Some of the sites, like the ones on the Beebe
21 property, the Beebe ranch, that's clearly within a
22 stream, it would clearly require a fish and bed permit,
23 a streambed alteration agreement under Section 1503 of
24 the Fish and Game Code.

25 We will continue to be involved. I assume that

1 I will continue to be involved with this as these
2 projects develop, and we'll try to work with you and
3 with the RCD and whoever we need to to try to get a
4 good, environmentally sound project, whichever way it
5 goes.

6 COMMITTEE CHAIR JONES: Any questions?

7 Madam Chair.

8 BOARD CHAIR MOULTON-PATTERSON: Just so I'm
9 sure I understand. You're saying that the tires are
10 buried, your position is to leave them that way. And
11 then tires above ground, if we take them out you want to
12 make sure we address the total problem that they could
13 create?

14 MR. COX: Yes.

15 BOARD CHAIR MOULTON-PATTERSON: Thank you.

16 COMMITTEE CHAIR JONES: Mr. Eaton.

17 COMMITTEE MEMBER EATON: One of the things it
18 seems to be disturbing to me is that the last two, and I
19 don't mean to insinuate, but it's not just our
20 responsibility, we're the regulatory agency, but it's
21 the responsibility, at least under the law thus far,
22 it's the landowners who have the responsibility for
23 these types of things. And we're trying to work towards
24 a positive solution.

25 But I think first and foremost, one of the

1 things from your own biological background that might be
2 helpful is to go and visit one of our other sites where
3 we've done cleanup at Westley or the others to see some
4 of the engineering advances that have been made.

5 That will, I think, put you in a better
6 position at the time that it is appropriate for your
7 agency to add a positive contribution to the problem to
8 see some of these things. Because there are things
9 where we have altered water flow, ravines and things in
10 order to do the cleanup. And Westley is a perfect
11 example.

12 And it's going to be very important, at least
13 with regard to some of the 1603 streambed alteration
14 agreements, that you have that expertise.

15 So I would just ask you if you could, or if you
16 need our help, to ask your supervisor to go down and to
17 visit the sites. Because it is interesting.

18 It's unfortunate that you didn't get to see the
19 site in its original sort of condition, but subsequent
20 to it I think you will feel a lot better.

21 And I hear that it's your professional opinion,
22 if you have some of that information available, and
23 perhaps maybe that's where we can at least, we can come
24 to at least a closer understanding mutually of the
25 issues and how they do get resolved.

1 Because some of the issues that you raised in
2 terms of vegetation, trees and things were all present
3 in those including the water.

4 And that was one of the reasons where we had to
5 do under an emergency aspect because the Westley tire
6 fire actually came in the fall, actually almost a year
7 ago this month actually, or a couple years ago this
8 month, in September. And we were waiting for the rainy
9 season to come and to flow into it.

10 And so if you talk perhaps with Mr. Fujii and
11 some of the others, I think that they could be, that
12 would be helpful for us too so that the next time we
13 meet we can at least be all on the same plane of that.
14 I think it would be helpful. And we'll do what you ask
15 us as well.

16 MR. COX: Yeah. I would certainly be
17 interested in seeing the restoration sites. I'm always
18 interested in seeing restoration sites.

19 But I have seen environmental restoration sites
20 where there's been severe erosion problems in this area,
21 not related to tires, but there's lots of other erosion
22 problems. There's no doubt that it can be done.

23 But I would make my point again, that I think
24 there's a point of diminishing returns here. And the
25 less area we have to restore, the more likely we're

1 going to have a minimum of problems with that
2 restoration.

3 So if we can take out 50 percent of the tires
4 and have a small area that needs to be restored, versus
5 taking out a hundred percent of the tires and having ten
6 times as much area that needs to be restored, or twenty
7 times as much area, there may be some points that we
8 should be considering here as far as what can safely be
9 left on site, versus what we can reasonably restore in a
10 good erosion resistant environment.

11 And my experience with erosion controls is
12 there's a component of luck that goes along with that,
13 luck that you're not going to get heavy rains in the
14 first couple of years. Because my experience with
15 planting oak trees, for example, is it takes a long time
16 to grow an oak tree that's going to hold the ground in
17 place. Grasses you can get growing in pretty short
18 order, but what you really need is a good solid root
19 system in the ground to start holding the soil, and it
20 takes a while for that to develop. So you have to have
21 that luck that you're not going to have the real wet
22 winter, the El Nino that's coming, whether it comes or
23 not.

24 So that's where my thinking goes. Minimize the
25 area of disturbance by balancing getting the most tires

1 out, minimizing the fire hazard, minimizing the
2 disturbed ground that we have to deal with.

3 COMMITTEE CHAIR JONES: Any others?

4 Thank you.

5 This is the spot for our substitute.

6 MR. LAUGHLIN: Good afternoon, Chairman, Madam
7 Chair, Board members. My name is Tim Laughlin, I work
8 with Prunuske-Chatham, Incorporated. We are an
9 environmental consulting firm, and also do a lot of
10 erosion control work based here in Sonoma County working
11 on a light of sites like the ones we've been looking at
12 today.

13 I'm here to talk about primarily the
14 environmental review, environmental compliance and
15 permitting aspects of this that maybe will weave
16 together some of what we've been talking about.

17 I saw a earlier correspondence from the Board
18 that the staff had identified that cleanup of the
19 Silacci site would be categorically exempt from CEQA.
20 And I'll talk a little bit about that, some about the
21 Clean Water Act, a little about Fish and Game code, and
22 state and federal Endangered Species Acts.

23 Categorical exemptions are in Article 19 of the
24 Public Resources Code, and enforcement actions are
25 covered under Section 15321. And they're, it's very

1 likely that your action in and of itself would work with
2 a categorical exemption.

3 If you back up into the first paragraph of
4 categorical exemptions, they only apply when there would
5 not be a significant impact on the environment. If you
6 know that there would be a significant impact, then you
7 can't use the exemption.

8 Secondly, the enforcement action exemptions
9 specifically exclude construction. And given that I'm
10 not sure how we could remove these tires without doing
11 some level of construction, like road building and
12 excavation itself, it would seem that the CE would have
13 difficulty.

14 So it's very likely that some level of CEQA
15 compliance will be required. In the event that, and
16 this can go along the lines of individual projects at
17 individual sites or combined, but there will be a CEQA
18 element in the likelihood that there are significant
19 impacts, particularly to some of the biological
20 resources that Mr. Cox alluded to, it could very well go
21 to an environmental impact report.

22 The Clean Water Act is something else that is
23 likely to come into play. The Corps of Engineers is
24 unable to be here today, but in your packet you have
25 notes from site visits that the Corps, Fish and Wildlife

1 and Mr. Cox, and the Regional Board have made. And the
2 Corps of Engineers for the sites they visited did say
3 they would have jurisdiction over several of them. So
4 you would be under permitting for the Clean Water Act in
5 order to proceed forward.

6 The nationwide permit program has become much
7 more restrictive in recent years, and I was unable to
8 identify any of the sites that would qualify for a
9 nationwide permit unless work was done on an emergency
10 basis.

11 Bill already spoke to the streambed alteration
12 agreement which will be required, at least at some of
13 the sites.

14 Currently Fish and Game considers this to be a
15 CEQA project. In other words, it is subject to CEQA
16 review. And either the department uses an environmental
17 review document that has been prepared in support of the
18 larger project, or they have to do it themselves, which
19 can take quite a bit of time.

20 The Endangered Species Acts. If you could go
21 to the next slide for a second. Nearly all of the
22 parcels we're talking about are within this area, the
23 cross-hatched area.

24 This map was taken from the California
25 red-legged frog recovery plan which was published in May

1 of this year, so it's relatively current information.
2 And that cross-hatched area is considered to be a core
3 area of occupied red-legged frog habitat.

4 Even for those sites which are not actually in
5 waterways, these erosional, the sites where the tires
6 were put where as a consequence of erosion where water
7 has been flowing, and the red-legged frog is very prone
8 to following drainages, whether natural or not so
9 natural for its upland excavation areas, which can go
10 quite a ways from an active pond or slow moving channel.

11 So we know that it occurs in the area. It's
12 federally listed as threatened. That means that
13 Endangered Species Act has to be considered here.

14 In addition, there was recently an emergency
15 listing for California Tiger Salamander population in
16 Sonoma County. This is under, the emergency is good for
17 240 days, during which time Fish and Wildlife will
18 determine what will happen next or whether the listing
19 will stand.

20 The population, the breeding population is
21 actually to the west and largely to the north of these
22 sites. However, the historic breeding population
23 extended right into the area where we see red-legged
24 frogs depicted on the earlier map.

25 There are no known breeding populations there.

1 Whether it's because there are no breeding populations
2 or because we haven't looked for them, there's not
3 always a lot of reason to go out on these farms and
4 ranches and look for salamanders and frogs or anything
5 else.

6 There are also listed plant species, federal
7 and state, that occur within the project area.

8 Considering the state version of the Endangered
9 Species Act. The red-legged frog is not listed, but it
10 would certainly, Fish and Game would have input into the
11 federal process. And as I mentioned before, possibly
12 Tiger Salamander as well, and there are state listed
13 plants.

14 So operating under the assumption that some
15 level of environmental documentation is going to need to
16 occur, it appears that there's two approaches to this.

17 One is to try and work at each one of these
18 sites individually as a discrete project. That could,
19 under CEQA, be considered piecemealing which is, at the
20 very least, strongly discouraged.

21 It would definitely result in an uneven
22 permitting process. For example, a site that had waters
23 of the U.S. or wetlands but didn't have red-legged frogs
24 would not be subject to the same level of permitting.

25 There would be a lot of variability in how each

1 of these sites got processed.

2 It would likely be quite a bit more costly to
3 get through the permitting process.

4 Some of them you might have to do multiple
5 environmental Impact reports and so on.

6 There is, however, the possibility for the
7 easiest, least constrained sites to proceed somewhat
8 ahead of the other sites.

9 The second option would be to do documentation
10 and permitting of these sites as a single action.

11 One of the strongest benefits here is that if
12 you have, for example, red-legged frogs that are in or
13 around an area that would not be subject to Fish and
14 Game jurisdiction, or may not qualify strictly as waters
15 of the United States, but you have them at other sites,
16 you would still be able to deal with that under the
17 informal consultation rather than a formal Section 10
18 process which would take, easily would take three to
19 five years.

20 An added benefit that if an EIR and/or an EIS
21 is required, only one set of alternatives would need to
22 be described and analyzed. In other words, you would
23 build in all of your alternatives at that point rather
24 than a whole set of alternatives for each one of these
25 sites.

1 The environmental documentation and permitting
2 would be uniform for each of the sites, thus saving time
3 and likely expense.

4 On the assumption that something needs to
5 happen at these sites, that there is going to be either
6 a complete removal or a combination of removal and
7 burial of some remaining tires.

8 In any event, to meet the environmental
9 requirements, things that need to happen relatively
10 quickly, and certainly in advance of any action, are to:

11 Gather baseline information on biological
12 resources, cultural resources, particularly for those
13 sites where we have nothing.

14 Sears Point we have quite a bit of information,
15 and that's it. The rest of them have really not been
16 studied in any detail.

17 In the meantime, embarking on other CEQA issues
18 such as hazards, you know, risks to air quality, water
19 quality, and so on, could be started at that time.

20 As that's going on, development of the
21 conceptual designs in the atmosphere of the agencies
22 that have bought into this process, would I think result
23 in development of projects or a combined project that
24 could minimize the environmental impacts from your
25 perspective, from the Regional Board's perspective, Fish

1 and Game, Fish and Wildlife, the Corps, and all.

2 Following that, the development of a project
3 description and -- do we have one? That was it?

4 Well, and then preparation of environmental
5 documents. And to go through the public, conduct the
6 public review process and -- so we lost a slide. And
7 then proceed with the permitting through the various
8 agencies.

9 Certainly one of the most important is to be
10 able to tie the consultation under the Endangered
11 Species Act to a Corps of Engineers action, because it
12 streamlines that process.

13 The federal agency to agency process is years
14 faster and tens of thousands, perhaps hundreds of
15 thousands of dollars less costly than doing it from a
16 non-federal entity under Section 10 of the Endangered
17 Species Act.

18 COMMITTEE CHAIR JONES: Who's your client?
19 Who's your client?

20 MR. LAUGHLIN: My client is the Resource
21 Conservation District.

22 BOARD CHAIR MOULTON-PATTERSON: Okay. Because
23 we appreciate the testimony, but we have to do CEQA on
24 everything that we do, so --

25 MR. LAUGHLIN: Yeah. Your report that came out

1 in 2000 said that it would qualify with IWMB as the lead
2 agency for a categorical exemption at Silacci, and we
3 sort of brought that up.

4 BOARD CHAIR MOULTON-PATTERSON: Okay. Any
5 questions?

6 BOARD MEMBER CANNELLA: I do. Was your
7 presentation to tell us that we needed to do an
8 environmental dec report or to do CEQA? Is that the
9 presentation you made today was to tell us that?

10 MR. LAUGHLIN: It was to sort of outline the
11 RCD's view on how the process could go.

12 BOARD MEMBER CANNELLA: Okay. So that was the
13 only appointment you were trying to make is the process?

14 MR. LAUGHLIN: Yes.

15 BOARD MEMBER CANNELLA: Okay. Thank you.

16 COMMITTEE CHAIR JONES: Okay. Thank you.

17 Our next representative, I believe, is the LEA.

18 MR. SWIFT: Good afternoon. My name is Bob
19 Swift, I'm the LEA for Sonoma County.

20 You've read and heard staff reports on the
21 background of these legacy waste tire sites. Prior to
22 1990 these waste tires were placed in gullies and
23 erosion-- gullies and ravines on agricultural lands for
24 erosion control, considered at the time a beneficial
25 reuse of waste tires.

1 You've also read and heard the LEA CIWMB
2 chronology of our involvement with these sites since
3 this agency's receipt of a citizen's complaint in 1993.

4 I'd like to share with you my thoughts and
5 observations in my capacity as an LEA. Since 1993 this
6 agency has been working diligently with the RCD, CIWMB,
7 property owners and affected, and other regulatory
8 agencies in an attempt to resolve this issue.

9 All of us are aware and all too familiar with
10 the consequences of a waste tire fire. The elimination
11 of the environmental and public health threat is first
12 and foremost our primary concern, always has been,
13 always will be.

14 As a local enforcement agency, however, I am
15 also supportive of Sonoma County agriculture, especially
16 the fast disappearing family farm, and cannot support a
17 remediation action that I feel would unduly penalize the
18 agricultural property owner.

19 At the time well established Sonoma County
20 farming families accepted these waste tires in good
21 faith as a resource for beneficial reuse to control
22 erosion. These waste tires continue to provide that
23 erosion control benefit to this day.

24 In 1997 we received a local government waste
25 tire cleanup matching grant from the CIWMB for one of

1 the legacy waste tire sites which, as a demonstration
2 project, would have encapsulated the majority of the
3 waste tires and an enhanced erosion control system that
4 simultaneously would have resolved the environmental and
5 public health threat.

6 Unfortunately, this project was never
7 implemented due to the inability to secure the matching
8 funds in a timely manner, and the grant was subsequently
9 terminated.

10 Two years ago the CIWMB, LEA, RCD, and affected
11 property owners met in Senator Chesbro's office to
12 discuss remediation for options for the Sonoma County
13 legacy waste tire sites.

14 As a follow-up to that meeting, I proposed
15 criteria for the on-site encapsulation of the majority
16 of these waste tires as remediation action for these
17 sites.

18 The criteria that I proposed at that time were
19 as follows:

20 One, the impacted property is a legacy waste
21 tire site, not an illegal waste tire site.

22 In most cases these tires were deposited in
23 gullies and ravines for erosion control on agricultural
24 lands, and have not been added to nor removed from the
25 site as a business activity since prior to 1990.

1 Two, the purpose of the waste tires was to
2 control erosion, not waste tire disposal.

3 At the time of placement, this was an accepted
4 beneficial reuse practice to control erosion and slope
5 failure on these agricultural lands.

6 Three, in place encapsulation of waste tires
7 are incorporated into an enhanced erosion control
8 system.

9 Unlike the 1990 court action that allowed PG&E
10 to simply bury waste tires disposed in a right-of-way at
11 Panoche, the proposed Sonoma County complete on-site
12 encapsulation remediation would incorporate the waste
13 tires into a functioning erosion control system which
14 would remove any danger of a waste tire fire.

15 Four, without the construction of a costly
16 remediation erosion control system, removal of the tires
17 would cause environmental damage.

18 The Regional Water Quality Control Board and
19 California Fish and Game had previously expressed their
20 concern regarding clean closure and potential sediment
21 loading to the Petaluma River if tires are removed
22 without the construction of a replacement erosion
23 control system, to perform the service that these waste
24 tires are currently providing and would continue to
25 provide with on-site encapsulation.

1 Five, the current and proposed post closure
2 land use is non-irrigated open space.

3 Along with site security and signage, I
4 proposed a de-notification and continued LEA monitoring.

5 Six, the fire hazard and mosquito breeding
6 habitat are eliminated.

7 If cost is no object, clean closure and
8 construction of a replacement erosion control system is
9 the best available technology.

10 However, if the primary objective is to
11 eliminate the fire threat and mosquito breeding habitat
12 in a cost effective manner, on-site encapsulation of the
13 majority of these tires in an erosion control system
14 represents the best practical technology.

15 Seven, support an approval of all regulatory
16 agencies as required.

17 Two years ago the U.S. EPA, Regional Water
18 Quality Control Board, California Fish and Game, Sonoma
19 County Fire Marshal, and Sonoma County Permits and
20 Resource Management Drainage Compliance Section,
21 expressed their support for a demonstration project as
22 proposed by the RCD and LEA.

23 In the development of these proposed criteria,
24 I relied heavily on the LEA advisory number 56,
25 procedures for evaluating and remediating burn dump

1 sites.

2 This advisory states,

3 "The risks posed by these sites
4 is effectively controlled when a few
5 straightforward precautions are
6 taken."

7 I find it perplexing and disconcerting that LEA
8 advisory number 56 allows for on-site consolidation and
9 encapsulation of burn dump ash, a ways that meets DTSC
10 hazardous waste criteria, as an approved remediation
11 action.

12 "On-site encapsulation of
13 legacy waste tires originally used
14 on agricultural lands for erosion
15 control, not regulated at the time
16 of placement, essentially inert in
17 their unburned state, buried so that
18 they pose no fire threat, thus
19 incapable of becoming a hazardous
20 waste, buried also to eliminate the
21 mosquito breeding habitat, is not
22 considered to be an acceptable
23 remediation without first obtaining
24 a solid waste facilities permit."

25 It makes no sense.

1 I feel, until I heard the previous speaker it
2 was my feeling that remediation of these Sonoma County
3 legacy waste tire sites, after the completion of a
4 biological and botanical survey, should be considered as
5 a CEQA, statutorily-exempt specific action necessary to
6 prevent or mitigate in an emergency.

7 We all know that the primary concern with
8 exposed tires is the threat of fire, and has potential
9 impact on public health, safety, and the environment.

10 Without question, a remediation action is
11 required to eliminate this threat, and should be
12 implemented expeditiously.

13 We have been dealing with this issue for nine
14 years now. During this time I have come to a better
15 understanding and appreciation of the circumstances that
16 led to the original placement of these waste tires, and
17 the consequences that these farm families should face
18 should the Board managed cleanup with cost recovery
19 option be chosen.

20 I believe in most instances the property owners
21 accepted these waste tires for erosion control purposes,
22 which at the time was considered to be a perfectly
23 acceptable beneficial reuse, and I urge that whichever
24 remediation is chosen, number one or two or some
25 combination thereof, that it not cause undue financial

1 hardship to the property owners.

2 The Sonoma County farmer should not lose the
3 family farm to the state for doing what at the time was
4 considered to be an accepted agricultural practice of
5 beneficial reuse.

6 Thank you.

7 COMMITTEE CHAIR JONES: Okay. Questions?

8 Mr. Eaton.

9 COMMITTEE MEMBER EATON: Yes. I'm just going
10 to sort of hammer the point that I think you kind of all
11 see.

12 But you just mentioned that you've become
13 intimately familiar with the practice of placing these
14 tires here. And thus far I have yet to get any kind of
15 clarification as to who recommended this. Or I heard,
16 you know, the resource conservation and soil district.

17 Have you, in all of your familiarity or
18 investigation, come across any kind of approval? Who
19 did this come from?

20 MR. SWIFT: No I have not. Our first
21 involvement with waster tire --

22 COMMITTEE MEMBER EATON: No, but I mean who --
23 you've come to understand that this was an accepted
24 practice, how did you come to understand it? Did you
25 read something? Or was it just, you know, in a

1 conversation with someone from the Resource Conservation
2 District? Or, you know, in a, how did you get that
3 familiarity? I'm looking to see what --

4 MR. SWIFT: Mostly through conversation with
5 RCD and the affected property owners.

6 COMMITTEE MEMBER EATON: So there's been no
7 paper that you found?

8 MR. SWIFT: No.

9 COMMITTEE MEMBER EATON: That had any kind of
10 approval?

11 MR. SWIFT: Right.

12 COMMITTEE MEMBER EATON: Or that there was
13 anything written in terms of how these tires would be
14 placed, through a farm bureau?

15 MR. SWIFT: No. At the time I think these
16 tires were not regulated. It was an erosion control
17 practice that was common at the time.

18 COMMITTEE MEMBER EATON: Thank you.

19 COMMITTEE CHAIR JONES: Mr. Cannella.

20 BOARD MEMBER CANNELLA: I have one question.
21 You're the local representative?

22 MR. SWIFT: Right.

23 BOARD MEMBER CANNELLA: How actively has your
24 department been seeking out other piles? We've heard in
25 the opening testimony that there's rumors that there's

1 other tire piles that have been used for erosion control
2 or illegally disposed of. I'm just curious of how
3 actively your department is pursuing researching those
4 rumors.

5 MR. SWIFT: Most of these tire sites have been
6 referred to you by us, and we have responded to citizen
7 complaints which led to our investigation in finding
8 these large waste tire sites.

9 At that time, because in our enforcement
10 program plan we're required to investigate these citizen
11 complaints, but we did not have the permitting and
12 enforcement authority, we have referred these sites to
13 you, the CIWMB.

14 BOARD MEMBER CANNELLA: So you have, your
15 department has referred all of the known or suspected
16 sites to the agency --

17 MR. SWIFT: Correct.

18 BOARD MEMBER CANNELLA: -- to follow up on it?

19 MR. SWIFT: Correct. We've had some sites that
20 have been remediated, the smaller sites that the tires
21 have been removed.

22 BOARD MEMBER CANNELLA: All right. Thank you.

23 COMMITTEE CHAIR JONES: Okay. I just have one
24 question.

25 I read your letter on the correlation between a

1 burn site and tire site. Burn sites have everything
2 pretty much burned to the ground. I mean we're talking
3 about no, we're talking about volumes of dense material.

4 Tires, the reason that there is a prohibition
5 of landfilling whole tires is because:

6 Number one, you are never gonna get an
7 engineered fill using whole tires that has any
8 stability. It's not going to happen.

9 Every landfill that, in this state that took
10 whole tires have got problems with that accumulation of
11 whole tires. So to put, to look at how we close a burn
12 dump, which encapsulates a hazardous material at some
13 level, I mean it's too hazardous, it gets clean closed.
14 We're talking about levels that don't pose a risk or
15 where the groundwater is going to be affected. Where
16 there's a cap put on it, but it's going over a dense
17 material.

18 You can't use the same technology over tires
19 where the voids exist because it will create a bigger
20 erosion problem. Everytime you have rain the rain is
21 going to go through the voids and pretty soon you're
22 going to have exposed tires. You're not going to have
23 anything to hold the side of a mountain.

24 And it amazes me when I read this stuff because
25 I think to myself, there was a reason that we stopped

1 landfilling whole tires. We used to send people out on
2 the sides of landfills every day to pick up the ten or
3 twelve that popped up overnight, you know, on closed
4 sections of the landfill.

5 So I'm having a hard -- you know what I mean?
6 I just want to make that clear because everybody thinks
7 that it's the end-all answer.

8 And an engineer, I'd love to see an engineer
9 tell me that they can guarantee that doing a closure
10 like that is going to have environmental integrity.
11 Because there's no way to deal with the voids.

12 MR. SWIFT: One of the things I have, in my
13 research is a lot of those floaters at the landfills are
14 caused by the vibration of the heavy equipment and also
15 the methane gas that's generated in these landfills.

16 And one of the criteria, two of the criteria
17 that we proposed for on-site encapsulation in an erosion
18 control system is that it be non-irrigated open space,
19 and it be fenced and monitored with a *DET notification.

20 COMMITTEE CHAIR JONES: Okay. No other
21 questions?

22 All right, thank you.

23 Now we are going to have the speaker from the
24 Sonoma County Emergency Services.

25 I'm going to tell you, we're going to lose a

1 couple of members here in about fifteen, twenty minutes,
2 so we need to pick up the pace.

3 MR. PARSONS: Good afternoon. Andrew Parsons,
4 Sonoma County Department of Emergency Services,
5 Hazardous Materials Program Manager.

6 Our division of fire services provides support
7 and training to the volunteer fire companies throughout
8 the county.

9 And the staff recommendation to our management,
10 assuming adequate encapsulation that would not be
11 subject to erosion, would be that the best alternative
12 would be to bury the tires to mitigate the fire hazard.

13 BOARD CHAIR MOULTON-PATTERSON: One of the
14 conditions a lot of your fire districts have put in is
15 to cut, you know, we saw testimony or we heard testimony
16 and saw pictures of fire break cuts. Do you guys then
17 tell 'em to revegetate that prior to the rainy season or
18 is, if it's not revegetated isn't that all just going to
19 slough right back into that stream?

20 MR. PARSONS: Yes, sir. To my knowledge we
21 don't provide oversight of the fire breaks that are
22 being placed around those tire piles.

23 COMMITTEE CHAIR JONES: Okay. Go ahead, Mr.
24 Cannella, did you have a question?

25 BOARD MEMBER CANNELLA: Okay, yeah, I did.

1 COMMITTEE CHAIR JONES: Go ahead.

2 COMMITTEE MEMBER PAPARIAN: Okay. You cover
3 hazardous materials as well, you have a range of
4 activities it sounds like?

5 MR. PARSONS: Yes, sir, I am the hazardous
6 materials program manager, and I have to confess I don't
7 have a great deal of experience with fire suppression.

8 COMMITTEE MEMBER PAPARIAN: Okay. In the
9 hazardous materials area you have, my understanding is
10 fire departments have some knowledge of facilities that
11 might have hazardous materials, so that when they go and
12 fight a fire there they know what they might be facing.

13 MR. PARSONS: That's correct, sir. In
14 California, our hazardous materials business plan
15 requires reporting from both industrial businesses and
16 agricultural facilities.

17 COMMITTEE MEMBER PAPARIAN: Now we know about
18 several tire sites in your jurisdiction that we've
19 talked about here today, so you know where those are if
20 there was a response to those areas.

21 I would assume it would be helpful for you to
22 know any additional ones that are out there so that f
23 you were to respond to a brush fire that suddenly would
24 become a tire fire?

25 MR. PARSONS: Yes, sir, that's a good point.

1 Although in general, to my knowledge tires or used tires
2 are not regulated as hazardous materials or hazardous
3 wastes, so they may or may not be subject to reporting
4 by the Health and Safety Code.

5 COMMITTEE MEMBER PAPARIAN: In terms of
6 emergency response though, I assume it would be a
7 helpful thing to know where those things would be?

8 MR. PARSONS: There's no question, you're
9 correct, sir, it would be helpful to know that.

10 COMMITTEE MEMBER PAPARIAN: Okay. Thanks.

11 COMMITTEE CHAIR JONES: Thank you very much.

12 Now the Sonoma County Mosquito and Vector
13 Control District rep.

14 MR. WANDERSHEID: Good afternoon. My name is
15 Jim Wandersheid, the manager of the Mosquito and Vector
16 Control District in Marin and Sonoma County.

17 And two weeks ago mosquito control in
18 California took a turn that included mosquito borne West
19 Nile Virus.

20 These types of sites that we're talking about
21 right now, amongst the 6,500 sites that we deal with
22 every year with mosquito control, is a prime candidate
23 or source for West Nile Virus, because it does produce
24 the vector.

25 We're not claiming that we know anything about

1 engineering, we do know where mosquitoes breed and the
2 habitat and how to take care of 'em.

3 Right now, as it seems for us, controlling
4 mosquitoes in this environment is not only extremely
5 difficult but almost impossible. We cannot get
6 materials to the source of mosquitoes, and so we can't
7 get the materials to kill the mosquitoes, the mosquitoes
8 are going to breed and also fly away.

9 The only way we can deal with this is when they
10 do fly is we can knock them down with adulticides,
11 that's our only primary course of action.

12 We have no recommendation except from what
13 we've seen with our own eyes in the field. And if you
14 take the water source away from mosquitoes, you're not
15 going to produce the mosquito vector.

16 And from what it appears for us in our agency,
17 going in and burying tires, again I'm not an engineer,
18 we're not engineers, what we're doing is taking away the
19 source of water for the mosquitoes to breed.

20 I'm not advocating that you bury all the tires,
21 because again I agree with the panel that you create an
22 instable environment or unstable environment, and
23 there's no way that these voids can ever be taken care
24 of. So consequently not only have you created a
25 different problem, you've created a management problem

1 later on, five years, ten years, fifteen years, where
2 mosquitoes can still go inside and breed, and now you
3 have a problem with us not knowing where they're coming
4 from.

5 And the cryptic type mosquito that we're
6 dealing with right now is the West Nile Virus, it's the
7 primary vector. So this is one of the issues.

8 The other issue is it appears that if we took
9 the top layer of these tires away, and again take 'em
10 away from the water, and bury the ones that are already
11 silted in and buried, may be a solution to the answer.
12 Again, I'm not an engineer, we just know mosquitoes.

13 And that's where we're at right now.

14 COMMITTEE CHAIR JONES: Questions?

15 Mr. Eaton.

16 COMMITTEE MEMBER EATON: With regard to the
17 West Nile Virus, it's not just the actual mosquito, but
18 the spread of that is done by birds, is that correct?

19 MR. WANDERSHEID: Birds is the actual reservoir
20 host of the virus.

21 COMMITTEE MEMBER PAPARIAN: Right. Correct.

22 MR. WANDERSHEID: And the mosquitoes actually
23 bite the bird and transfers it to us.

24 COMMITTEE MEMBER EATON: So wherever there may
25 be a large population of bird there's also a large

1 potential for spreading it to other parts of the
2 geographical area?

3 MR. WANDERSHEID: That's correct.

4 COMMITTEE MEMBER EATON: Thank you.

5 BOARD CHAIR MOULTON-PATTERSON: Any other
6 questions?

7 Thank you very much, we appreciate it.

8 Martha, before you get up, I've got a speaker
9 slip from a Board member from the conservation district,
10 Mitch Mulas. I think we'll get him now as opposed to at
11 the end.

12 MR. MULAS: Good afternoon, my name is Mitch
13 Mulas.

14 As I noted on my card there, I'm opposed to the
15 scenario of taking the tires out. We've been talking
16 about this for the last five or six years on the Board,
17 and we've looked at every scenario you can think of.

18 And first of all, I think you're making a
19 mountain out of a molehill. You're looking at what
20 happened to the big fire that you had down there.

21 I visited all these sites with the members of
22 the Board, and there isn't any one of 'em that if it
23 were to catch fire, that the fire department couldn't go
24 in there and cut a dozer trail through the middle of it
25 and eliminate 90 percent of the fire. That's number

1 one.

2 Number two, being a rancher and having had some
3 ranches where we've had soil erosion, you have to leave
4 those tires all the way up the sides of those hills, or
5 come up with another means of stopping erosion. If you
6 take 'em out just to the bottom, those side hills are
7 going to erode.

8 Those tires were put there based on what little
9 knowledge we had thirty, forty years ago to stop
10 erosion. It was either tires or it was used cars. Took
11 the old cars, you gutted 'em, and you threw the cars in
12 the gully, and that stopped the erosion.

13 I appreciate your concerns about fire and the
14 mosquitoes, but you also have to stop and think about
15 some of the other things that are coming on.

16 Any one of these sites, if it were to catch
17 fire tomorrow, I don't think would create a big a health
18 problem as you're talking about that you had in the
19 valley.

20 First of all, we've got west wind blowing all
21 the time. And from the time that this were to catch
22 fire and blow to the west, you're not talking about that
23 big of a population. And it would get spread out.

24 So I realize what you're trying to do here, but
25 somewheres we've got to come up with a solution that's

1 going to meet everybody's problem, not just these five
2 or six that you have here.

3 I got a memo that said there was something like
4 eight hundred sites that you already are considering.
5 Whatever you do on, with these, you better do with the
6 other eight hundred that you're looking at.

7 And I think we're going to want to expect to
8 have a report after you get, whatever you decide to do
9 with everybody, so that it comes out even.

10 Another concern we have is that everybody, you
11 and I and everybody else, when you buy a tire is paying
12 a recycle fee. What's happening with that money? All
13 we hear about, "It's in Sacramento." It doesn't get
14 back out to solve the problems of the recycle problem.

15 I was at a, one of the equipment shows a year
16 or two ago. They do have equipment now designed to
17 where they can chop these tires in short lengths, six
18 inches, a foot, or whatever you want. So there is some
19 technology out there if we want to bury 'em or do
20 whatever in the future you can look into.

21 I think our big concern is that you, if you're
22 going to make any restrictions on a property owner, that
23 you make it equal.

24 You've got a whole state to take care of, and
25 somewhere somebody should come up with a solution, not

1 only for what we got today, but the future.

2 You know, if I generate garbage or a problem,
3 I've got to take it to the dump and pay for it.

4 The manufacturers of these tires should be also
5 compelled to have some sort of a recycle system. Just
6 don't throw 'em out there on us individuals and let us
7 take care of it, let's go back to where it's generated
8 and get something coming out of those people.

9 I think I've said enough.

10 COMMITTEE CHAIR JONES: Thanks. Questions?

11 All right. Thanks, Mr. Mulas.

12 Martha.

13 MS. GILDART: Okay. At the end of our last
14 presentation Steve had listed some of the Board actions
15 that we can take.

16 I'll describe these actions and present some
17 other points for consideration.

18 The law established first by Assembly Bill 1843
19 and then revised by Senate Bill 876 gives the Board
20 authority to regulate the management of waste tires.

21 The Board has successfully exercised these
22 powers to deal with illegal piles, including many that
23 were predating both of the bills. In other words,
24 legacy tire piles that had been in existence for some
25 time.

1 The tools at our disposal, as Steve had
2 mentioned, are the letter of violation, the cleanup and
3 abatement order, administrative complaint, and then
4 Attorney General referral.

5 To describe them very briefly. The first step
6 is the issuance of the letter of violation under the
7 signature of the waste tire management program
8 inspector.

9 These inspectors have worked with sites since
10 the mid-nineties. The letter of violation requires that
11 both the operator and property owner remove waste tires,
12 and there is usually a date set for compliance.

13 Failure to comply with the letter of violation
14 leads to issuance under the signature of the Special
15 Waste Division's Deputy Director of a cleanup and
16 abatement order, which is also issued to the operator
17 and property owner.

18 It will cite the outstanding violations. It
19 establishes a waste tire removal schedule requiring the
20 use of waste tire manifests for the removal of those
21 tires. And will list punitive actions which may result
22 if an order is not complied with.

23 In that event, the matter is then referred to
24 our legal office, and an administrative complaint is
25 issued by our chief counsel. It will establish a

1 hearing under the Office of Administrative Law where an
2 administrative law judge will sit in judgment on the
3 issue where the Board presents its case, and will
4 request both penalties and site access.

5 If the hearing is in our favor, then we move
6 into a Board managed tire remediation. The site is
7 referred to the tire remediation unit within the Special
8 Waste Division.

9 We do very thorough cleanups, removal of tires,
10 and including grading of soils and surfaces and
11 revegetation as necessary to protect the site from
12 future damage.

13 Upon completion of this project, the site will
14 then be referred to the Attorney General's office to
15 pursue the cost recovery.

16 Frequently what the Board has done has been
17 awarded an amount of money to collect that the
18 individual may not have that kind of funds available, in
19 fact the property is often not worth the total cost of
20 remediation; but in that case a lien can be placed upon
21 the property for future collection.

22 There are also civil injunctions that can be
23 placed against the operator or owner for future
24 businesses.

25 Very briefly, here's a flow chart that presents

1 our process.

2 The waste tire section site inspector will
3 document violations discovered at the site, will issue a
4 letter of violations returns for an inspection.

5 If those violations are still in place and they
6 have not complied with the requirement, then we will
7 issue a cleanup and abatement order. We typically give
8 two, three, or more months for the individual to comply.

9 If those violations are still observed, then we
10 will turn it over for the administrative complaint
11 process.

12 And eventually it will end up as a site
13 remediation by the Board once the Board has approved our
14 taking that course.

15 I wanted to point out a couple of important
16 things that have been discussed briefly today.

17 One is that burial of whole tires is prohibited
18 by our statute and by our regulation. And you've heard
19 many reasons as to why these tires should not be buried,
20 mostly they don't stay buried, they do reexpose.

21 There are also statutes that say that, "No
22 person shall operate a solid waste facility without a
23 solid waste facilities permit."

24 You're very familiar with the requirements with
25 those permits. Tires are a solid waste. If burial of a

1 large number of tires is proposed, then it is possible a
2 solid waste facilities permit must be obtained for that
3 operation.

4 And that if they are going to bury tires, then
5 they are to be permanently reduced in volume. That
6 means shredded or cut or in some ways baled or
7 encapsulated.

8 Some other important issues to consider.
9 Illegal tire piles are prone to arson.

10 If you look at the occurrence of fires
11 nationwide, the majority of them have been caused by
12 arson.

13 The photograph here is actually the Westley
14 site which was well documented to be a lightning strike,
15 so there are more than just arson.

16 We've had three major tires in the last four
17 years. This shows the Westley fire, and this is a
18 closeup of the Royster tire fire in Tracy.

19 They do generate pyrolitic oils that can flow
20 down through the various, you know, soils or strata
21 underneath and contaminate groundwater for great
22 distances, and as you can see there is quite a bit of
23 smoke.

24 We do acknowledge that there is an existing
25 erosion problem in the Sonoma area that does need to be

1 addressed in some fashion. However, with the tire piles
2 in place, it is our contention that only the bottom
3 layer of the tire piles may be providing any erosion
4 control benefit. As you can see, there are often more
5 tires in place than that would require.

6 And as you've heard just recently, the standing
7 water that can accumulate in tire piles provides an
8 excellent breeding ground for mosquitoes. And as you've
9 also heard, the West Nile Virus has now made its
10 presence known on the West Coast.

11 We have been able to call upon the California
12 Highway Patrol to investigate certain regions of the
13 state, and they have discovered numerous tire piles that
14 we had not formerly been aware of, in Sonoma County
15 particularly the Beebe family ranch and Valley Ford
16 sites were discovered for us by the CHP. And as you've
17 heard, there may be other sites that we don't know of
18 yet.

19 In conclusion, the staff is hoping that today's
20 proceedings will bring forth a variety of issues and
21 possible solutions or avenues to pursue. And we will
22 probably be exploring these issues in the future for
23 some time, and are open to any questions, discussion,
24 comments.

25 COMMITTEE CHAIR JONES: Thanks, Martha.

1 Does anybody have any questions of staff?

2 I think it is going to be important, I mean
3 some of the things obviously, I mean even though we are
4 from Sacramento, we do understand that a lot of
5 stakeholders have different issues with this pile, with
6 these piles. And like most things that come in front of
7 us, we've got to figure out a way to deal with 'em.

8 The panel discussion, I want to ask members if,
9 what we were going to do originally in this agenda was
10 let everybody speak, then have questions and answers
11 afterwards. We obviously asked an awful lot of
12 questions during the individual presentations.

13 But I'm going to ask if any of the members have
14 any specific questions that they could direct rather
15 than have everybody move from their seats and come up
16 here.

17 And if there is an indication that we do have
18 some folks that we may want to ask some further followup
19 questions of, we'll make them available.

20 But before I do that I want to ask if there's
21 anybody that did testify today that has any comment
22 other than leniency or understanding or whatever. But I
23 mean if you heard something that you felt was important,
24 that you think we may have missed that you'd like to add
25 first before we ask any questions?

1 Okay. Questions of any of the folks that have
2 testified to us so far today?

3 Mr. Eaton.

4 COMMITTEE MEMBER EATON: I just have a
5 question, and not related on the piles here, but I think
6 it was mentioned that there's some illegal dumping going
7 on on farm land right now.

8 So my question would be, if that's going on,
9 why hasn't the LEA, in conjunction with you, applied for
10 a grant to clean those up through our farm and ranch
11 program or some of the other programs that are
12 available? Because --

13 MS. SWENT: I believe the landowner has done it
14 at his own expense. It hasn't been a huge --

15 COMMITTEE MEMBER EATON: But I want you to
16 know, you know, because it was an issue raised with
17 regard to funds being available and not utilizing funds.
18 Those funds are available. In fact, we've had a problem
19 getting them out to the agricultural community with
20 regard to some of those funds that are there. And some
21 of that issue that took place at farm and ranch, it had
22 to go through the county in order to apply through the
23 landowner.

24 So I'm just wondering, you know, the balance
25 there is that there are at least, you know, initial

1 resources available, they're not going to solve the
2 larger problem that we're talking about here with these
3 other piles, but at least with the current issue if
4 there is problems as a result of whatever, and I don't
5 necessarily agree that the publicity has enhanced that,
6 but there are those monies available, and quite frankly
7 have been undersubscribed.

8 MS. SWENT: Well we are familiar with that
9 granting program, and we've looked into it.

10 Thank you.

11 MR. SWIFT: Yeah, can I address that?

12 Yeah, we have applied for and received a farm
13 and ranch cleanup grant in the past. We have also made
14 extensive use of the AB 2136 cleanup grant, and a lot of
15 these sites are located on agricultural lands for solid
16 waste. We are taking a very aggressive approach for
17 illegal disposal of solid waste. I feel that these
18 waste tires, these legacy waste tires fall into a
19 different category.

20 COMMITTEE MEMBER EATON: I wasn't talking about
21 those piles, I wasn't clear, I was talking about the
22 piles that were just recently supposedly dropped.

23 COMMITTEE CHAIR JONES: You need to identify
24 yourself for our reporter. Say your name again.

25 COMMITTEE CHAIR JONES: Bob Swift, LEA.

1 Mr. Paparian.

2 COMMITTEE MEMBER PAPARIAN: Thank you, Mr.
3 Chairman.

4 I'd actually like to follow up on the question
5 Mr. Eaton asked a few minutes ago regarding any type of
6 written documentation that, from, you know, any
7 government agency or quasi-government agency in the
8 sixties, seventies, or eighties suggesting that this was
9 a good idea.

10 The Resource Conservation District has
11 suggested they have absolutely no documents related to
12 any of these sites, or any other potential sites. Does
13 anybody know of any documents out there from any
14 government agency or quasi-government agency suggesting
15 this was a good idea at the time it was done?

16 MS. SWENT: Can I respond to this?

17 COMMITTEE CHAIR JONES: Sure.

18 MS. SWENT: Leandra Swent with the RCD. We
19 have done extensive research trying to find
20 documentation because we understand the Board's interest
21 in this documentation, and we are, we're also quite
22 curious. We have not been able to find anything
23 written.

24 And we have talked to agencies and tried to get
25 some reinforcement that this was an actually recommended

1 practice. Nobody wants to come to the plate for this
2 one, for obvious reasons.

3 And so to date we've not been able to find
4 anything written. And we have actually done research on
5 the Internet, we've asked old staff that was with the
6 Soil Conservation District years ago if they had any
7 written documentation or remember any, and they do not.

8 And as we pointed out before, it was not a
9 permitted practice, it didn't need approval at that
10 point by anybody, so there was never any real rules or
11 regulations or specifications set down in writing that
12 we can find.

13 COMMITTEE MEMBER PAPARIAN: Now who supposedly
14 was giving this advice? Was it the Soil Conservation
15 Service or --

16 MS. SWENT: Well we do know that some of the
17 landowners contacted the Soil Conservation Service for
18 technical advice regarding placement of these tires.
19 Whether or not they had a specific practice or design,
20 we've never been able to determine that. There's
21 nothing in writing that we can find.

22 COMMITTEE MEMBER PAPARIAN: Was the RCD in
23 existence at that point?

24 MS. SWENT: The RCD was in existence as a Board
25 only, we had no staff people at that point in time, and

1 the Board was a direct liaison with the federal agency
2 and USDA and RCS. And the Board, only reason for being
3 at that point in time was to give direction to the USDA
4 of what kind of governmental programs to bring into the
5 local area.

6 COMMITTEE MEMBER PAPARIAN: So the RCD would
7 not have been in a position to deal with this issue at
8 that time?

9 MS. SWENT: No, there was no staff members at
10 all. RCD didn't really have any staff people until
11 1993, '94.

12 COMMITTEE MEMBER PAPARIAN: Okay. How about
13 any documentation, it was suggested that some of the
14 haulers suggested it was a good idea in an approach to
15 some of the landowners. Has any documentation been
16 found like that?

17 MS. SWENT: I don't think there's any
18 documentations. One of our landowners did tell us that
19 he was approached by a hauler that said that they could
20 bring them more tires.

21 But I don't, as far as I know there's nothing
22 written to that effect. If there is, I will find it and
23 get it for you.

24 COMMITTEE CHAIR JONES: You don't know the name
25 of that hauler? He's probably on our list of

1 criminals.

2 (LAUGHTER.)

3 MS. SWENT: No, I think he's not in business
4 anymore as I understand it.

5 COMMITTEE MEMBER PAPARIAN: Okay. Thank you.

6 COMMITTEE CHAIR JONES: I'm sorry.

7 BOARD MEMBER CANNELLA: Given your earlier
8 testimony, if you did have the information, would you
9 share it with us?

10 (LAUGHTER.)

11 MS. SWENT: As I told Mr. Paparian, I hope I'm
12 pronouncing that correctly, that I will go back to my
13 Board and bring this issue to them. It's really at
14 their discretion, not my discretion.

15 COMMITTEE MEMBER PAPARIAN: I know that several
16 of the Board members are here in the audience, I guess
17 you have a five member board?

18 MS. SWENT: Yes.

19 COMMITTEE MEMBER PAPARIAN: And I would really
20 strongly encourage you to be as cooperative as you
21 possibly can. I think we are dealing with things that
22 could result in public health and safety issues and
23 environmental damage. And, you know, if there's
24 knowledge of these tire piles, either exposed or buried,
25 we'd like to know about it.

1 MS. SWENT: Well I certainly think that the,
2 the action that we could take most readily would be to
3 talk to anybody that we know of in private and in
4 confidentiality and ask them to step forward.

5 It would not be our place, I don't believe,
6 it's up to my Board, but I don't believe to give their
7 names out. But if they're willing to come forward
8 voluntarily, we would recommend that to them.

9 Especially if we see the direction which the
10 Board is going to go on these other sites. If the
11 landowners are not going to be unduly burdened with
12 costs in cleaning up these sites, I think that other
13 landowners will come forward voluntarily.

14 COMMITTEE MEMBER PAPARIAN: So if we were to
15 set some sort of precedent of cost sharing, you think
16 that would be an incentive for them to come forward?

17 MS. SWENT: Oh, absolutely. Yes, I do.

18 COMMITTEE MEMBER PAPARIAN: We don't have any
19 idea of how many more there might be out there?

20 MS. SWENT: I really don't. I wish I could
21 give you a number. I did at one point give Steve Posner
22 a number, and I don't remember what it was at this
23 point. I did provide to him a number of sites without
24 names, so he does have that information somewhere, but
25 I'm not sure, I don't remember exactly what that was.

1 But we can get that to you also.

2 COMMITTEE CHAIR JONES: We do have, we got
3 testimony that we're probably making a bigger mountain
4 of this than we need to.

5 I don't think any of the landowners here or any
6 of the citizens of Sonoma County would really think that
7 if there was a range fire. Because once that range fire
8 hit those tires, you'd have a whole heck of a lot more
9 than a range fire.

10 We don't say that just thinking that it might
11 happen. It happens in smaller piles throughout the
12 state. We've got fire districts that tell us that
13 they've got grass fires that all the sudden hit a pile
14 of tires and create real problems.

15 We're not trying to make a mountain out of a
16 molehill, what we're trying to do is protect citizens.
17 And if people want to be, you know, penny wise and
18 dollar foolish, you know, the world's survived a long
19 time with people doing that, but it's not our intent to
20 not deal with this thing.

21 And it is disconcerting to, I think, every
22 Board member, to know that there is piles of tires out
23 there that have been identified to somebody, and we're
24 just going to keep it a secret.

25 Because when this, when there is a fire here

1 and it hits it, and they all come screaming to us, we're
2 going to look pretty stupid to sit there and say, well,
3 you know, we asked Sonoma County representatives and
4 they all said, you know, shame on you, we're not going
5 to tell you.

6 It's, that's the dumbest thing I've ever heard
7 of in my life. And if that's the way the Board feels,
8 that it's important to them not to let us know, then so
9 be it, you know. But it's penny wise and dollar foolish
10 in my view.

11 MS. SWENT: Well again, that is up to my Board
12 to make that decision, and we will talk about it, I'm
13 sure, at our next Board meeting.

14 But I do want to really impress upon you that
15 the landowners are as concerned as you are about the
16 potential of fire. They're worried about it, as Mrs.
17 Verbosi said, she loses sleep over this, and she told me
18 that years ago. And I think that any other landowners
19 that have tire piles on their sites and their facilities
20 feel the same way and do want to remediate this. But
21 they're terrified of what the repercussions are going to
22 be if they come forward.

23 COMMITTEE CHAIR JONES: But the problem that I
24 see in looking through all these chronologies that have
25 been provided is that solutions have been agreed to, it

1 required we put dollars forward, dollars were required
2 from either the local landowner or local agency, and
3 then never went anywhere.

4 And now it's like we had all these ideas, we
5 all agree that we're going to clean these up, we're
6 going to do this, and then they say, well no, not unless
7 somebody else is going to pay for it.

8 We're charged with the people's money. You
9 know, this is everybody in the State of California, not
10 just a couple of ranchers. So we've got to be careful
11 because there's a law against gift of public funds, and
12 we can't just arbitrarily say we've got a treasury
13 that's got money to deal with tires, and we're going to
14 just go ahead and spend it all, because that's a gift of
15 public funds if we don't have as much, if we haven't
16 done everything that we can from a fiduciary standpoint
17 to protect the whole of California.

18 Doesn't mean that there can't be some kind of a
19 mix. And we've got a lot of work to do now that we've
20 gotten this information today, but people need to
21 understand that irregardless of when the piles were
22 built or why they were built, this isn't, this can't be
23 remediated just by the people of California, just by
24 this tire fund.

25 Because if this tire fund didn't exist, which

1 it didn't, it wasn't funded to the extent it is, you
2 know, just till a couple years ago. And really it went
3 through to clean up -- the biggest reason that the tire
4 bill went through and that we got support from the
5 legislature and the Governor, was to clean up the air,
6 ground, and water that was created by two tire fires.
7 That's the only impetus that got this thing through.
8 That's what we have to spend a huge amount of our yearly
9 money on is just cleaning up the effects of a fire.

10 So what we're trying to do here in a proactive
11 way is to figure out a way that we can work with each
12 other to take care of something that doesn't become
13 another disaster.

14 So I hope that if, as Mr. Paparian says,
15 there's five members sitting out in the audience, they
16 take to heart that this Board wants to work with you,
17 but we're not stupid, okay? And it needs to be both
18 sides of this deal.

19 Otherwise we have a lot of tools at our
20 advantage, we don't want to go there yet. We gotta
21 figure out what's going to work, but both sides have got
22 to come to this thing.

23 MS. SWENT: I agree with you completely. And I
24 do hope that you don't take this out on the landowners
25 because of the RCD's position on confidentiality. They

1 are innocent of, you know, outside of what the RCD's
2 positions are on privacy and confidentiality.

3 And I do feel that \$30 million a year was set
4 aside to clean up tires in the State of California under
5 the five year plan that you have, and I think that this
6 is an appropriate use of those funds. And it's not just
7 for these landowners, it is for the entire State of
8 California to clean up these tires.

9 The landowners use the tires, they took 'em out
10 of the waste stream forty years ago, they were not then
11 planted in landfills or taken off and hauled wherever
12 they should have been at that point in time, the
13 landowners took them on. They stopped erosion that
14 would have been happening fifty years ago and continued
15 to happen until today. So they have remediated a huge
16 amount of pollution into the Petaluma River which is
17 currently designated as an impaired water body because
18 of sedimentation. They eliminated a lot of that
19 sedimentation for the good of the entire population.

20 So I think it can be argued that they have done
21 a lot for the general public already. And they have
22 spend \$1.37 million. They haven't been sitting on their
23 laurels for ten years doing nothing.

24 So I think it's important that the Board take
25 that into consideration also.

1 BOARD CHAIR MOULTON-PATTERSON: I think we're
2 all aware of that. We just, you may, if you don't
3 already know, you may want to talk to Martha after the
4 meeting, or Kathryn, none of these tire piles that we
5 clean up doesn't have another piece to it. We don't do
6 any of 'em just for nothing, believe me. Even the
7 cleanups of those two environmental disasters had a cost
8 recovery element to 'em.

9 So members, anything else?

10 Folks, thank you very much. This Board heard
11 right from you what we needed to hear. We will go back
12 and we will digest it.

13 We appreciate everybody's input, and we'll see
14 what we can do. But we do appreciate everybody's stuff.

15 Thank you.

16 (Thereupon the foregoing was concluded
17 at 1:18 p.m.)

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1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

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3 I, DORIS M. BAILEY, a Certified Shorthand
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8 thereafter caused my shorthand writing to be transcribed
9 by computer.

10 I further certify that I am not of counsel or
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14 IN WITNESS WHEREOF, I have hereunto set my hand
15 as a Certified Shorthand Reporter and Registered
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